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| BE17-001 | Attorney-General     | Office of Constitutional Law   | 1.1            | Macdonald | Constitutional role of public servants, the executive government and the parliament | <p><b>CHAIR:</b> My question, when I stopped the clock on Senator Pratt's time, is a question on the role of parliament, the public service and the executive government. My understanding was always that the public service answers to the executive government and the executive government answers to parliament. Does anyone have a definitive treatise on that?</p> <p><b>Senator Brandis:</b> We do not need to look further than the Constitution. Nevertheless, the practice in this committee is that questions are asked directly of officers of the department and of agencies within the portfolio. Strictly speaking, all questions are to the minister, but the practice is that officers take those questions where appropriate.</p> <p><b>CHAIR:</b> Well, it is a practice that has evolved in the last 27 years, I guess.</p> <p><b>Senator Brandis:</b> Yes.</p> <p><b>CHAIR:</b> When I first came here, all questions were to the minister.</p> <p><b>Senator Brandis:</b> Yes, and, strictly speaking, that is true; that remains the case. But, nevertheless, the practice is as we have agreed. You may take it that all officers of departments are conscious of their obligations.</p> <p><b>CHAIR:</b> I appreciate that, and Mr Moraitis said the same thing. But I was really asking if someone could perhaps, as a question on notice, explain the constitutional role of public servants, the executive government and the parliament to me. I appreciate, as both Mr Moraitis and the Attorney have said, that you are conscious of that and, where possible, you try to do that. I am just wondering what the legal situation is.</p> <p><b>Mr Moraitis:</b> I will take that on notice, Senator. Ms Lowe would like to correct her answer to Senator Wong on that question.</p> <p><b>CHAIR:</b> You do that for me. We will now go back to Senator Wong and I will restart the clock.</p> | 24 May 2017<br>5                               |
| BE17-002 | Attorney-General     | Strategy and Delivery Division | 1.1            | Pratt     | Standing Order 20B status of unanswered Questions on Notice                         | <p><b>Ms Lowe:</b> My apologies, Senator; a response has been prepared. I answered your question literally in terms of a letter, but a draft response—I should be clear—has been prepared.</p> <p><b>Senator WONG:</b> I accept that. Obviously, the accountability is the minister's, but it would have been concerning if the department had taken upon itself not even to draft a response.</p> <p><b>Mr Moraitis:</b> I had assumed that was the case, but, as I briefly said, a response had not been provided.</p> <p><b>Senator PRATT:</b> When was that draft response provided to the minister?</p> <p><b>Ms Lowe:</b> I will have to take that on notice, Senator. I do not have the details in front of me.</p>  | 24 May 2017<br>6                               |
| BE17-003 | Attorney-General     | Civil Law Unit                 | 1.1            | Macdonald | Response to AE16-002  | <p><b>CHAIR:</b> You raise the next question I was going to ask. I refer to question number EA16/002, asked by Senator Canavan on 9 February 2016 to the Human Rights Commission. Can anyone explain to me why it has taken that long to get that answer back? And the answer seems to be relatively brief.</p> <p><b>Senator Brandis:</b> Obviously I will take that on notice and check. There are a lot of agencies in this portfolio—more than in most portfolios, as a matter of fact. A large proportion of these questions await the response of those agencies external to the department before they can be lodged.</p>  | 24 May 2017<br>15                              |
| BE17-004 | Attorney-General     | Corporate Services Division    | 1.1            | Macdonald | Cost of NT Royal Commission   | <p><b>CHAIR:</b> Could I advise my colleague that royal commissions are at 1.9. It might be better leaving it until that time rather than dealing with it in 'general and corporate'.</p> <p><b>Mr Moraitis:</b> I have the figures. The Northern Territory royal commission has been estimated to cost about \$57 million. The royal commission into the abuse of children has gone for several years now and it is in the hundreds of millions, if not up to \$500 million. I will be able to give you a precise figure during the interval.</p>  | 24 May 2017<br>20                              |
| BE17-005 | Attorney-General     | Corporate Services Division    | 1.1            | Pratt     | Departmental staff employed under labour hire arrangements                          | <p><b>Senator PRATT:</b> I want to ask some questions about the use of labour hire companies. Does the department use labour hire agreements at all?</p> <p><b>Mr Anderson:</b> From time to time the department does hire employ people on labour hire arrangements. That is generally the last resort. The vast majority of our staff are ongoing staff. We have a number of staff who are non-ongoing public servants and then a much smaller proportion are people engaged on labour-hire arrangements.</p> <p><b>Senator PRATT:</b> For how long has this been the department's practice?</p> <p><b>Mr Anderson:</b> I could not say precisely. My recollection is that we have used labour hire arrangements for a great number of years. As I said, it is a last resort, if you need someone at particularly short notice or if you need someone who has specialist skills and you cannot otherwise obtain them. We have frequently used labour hire arrangements if we needed to engage a temporary executive assistant, for example, if someone is going on a period of leave and we need to have someone to help run the administrative affairs of a unit.</p> <p><b>Senator PRATT:</b> How many staff are employed by the department under these arrangements?</p>   | 24 May 2017<br>27                              |

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|          |   |  |                |         |   | <p>Mr Anderson: I would have to take that on notice. Not many, is my recollection.</p> <p>Senator PRATT: In the main, it is administrative staff and—what?—consultants in specialist areas?</p> <p>Mr Anderson: It is where we cannot source a particular skill set. It might be in the IT area, for example, if we need a particular skill set for a particular project or it might be an administrative staff person such as an executive assistant, if we need a short-term cover for that role for, but it is really the last resort. We normally go through other ways to engage staff.</p> <p>Senator PRATT: If you can, would you take on notice how many and in what areas staff are brought in as contractors. Who authorises the use of labour hire companies?</p> <p>Mr Anderson: For the sake of being absolutely correct, I will take that on notice as well. I believe that we have delegated the ability to engage to SES band 1 officers, but I will confirm that.</p>   |  |
| BE17-006 | Attorney-General                          | Corporate Services Division                  | 1.1            | Pratt   | Remuneration for labour hire contractors                        | <p>Mr Anderson: I mentioned the example of a temporary executive assistant. We know what level the person would be generally in that position, and that is the remuneration that we aim for for that person. They have a separate contract, of course, with the labour hire company. Our understanding is that they receive the remuneration that we set for that position.</p> <p>Senator PRATT: They will receive the same remuneration that you would set them. Where does the labour hire companies cut come from? Is that in addition to—on top of—what those ordinary conditions would be?</p> <p>Mr Anderson: I would have to take that on notice, as well. My understanding is that typically there is a fee for sourcing a person, so in that sense they get their fee up-front.</p> <p>CHAIR: From whom?</p> <p>Mr Anderson: The department will pay that fee. Or it might be a loading that is imposed on the person, particularly if the person is required to work additional hours, when that tends to be part of the loading, as well. If we then were to take the person onto staff, so that they leave their labour hire arrangement, then we would also normally be asked to pay a fee to the labour hire company. I can take that on notice, to be sure that I have that.</p> <p>Senator PRATT: I just want to make sure that you are able to provide me with as much information as to whether the person employed receives pay and conditions that are equivalent to the in-house staff.</p> <p>Mr Moraitis: It includes sick leave and stuff like that as well.</p> <p>Mr Anderson: They will not necessarily have the full suite of conditions, because they will not necessarily be entitled to, for example, everything under our enterprise agreement. They will have conditions, though, that are broadly comparable.</p> <p>CHAIR: Is there a component for holiday pay, sick leave et cetera, as well? You can include that in your answer.</p> | 24 May 2017<br>28                              |
| BE17-007 | Attorney-General                          | Corporate Services Division                  | 1.1            | Pratt   | Labour hire companies   | <p>Senator PRATT: Are you able to advise us what labour hire companies you do use?</p> <p>Mr Anderson: I would have to take that on notice.</p> <p>Senator PRATT: You do not have any general knowledge about that. I can understand in order to give me a comprehensive list you would need to take that on notice. Do you, for example, know whether any of the existing companies that you use use Plutus?</p> <p>Mr Anderson: My understanding is that we do not, but we are a national department. Also, given that the royal commissions are treated as part of the department for administrative purposes, it would be better to check.</p>   | 24 May 2017<br>30                              |
| BE17-008 | Attorney-General                          | Corporate Services Division                  | 1.1 and 1.9    | Pratt   | Arrangements for contractors, including Royal Commissions staff | <p>Senator PRATT: You will be able to advise the committee of all the contracting arrangements on staff, including the royal commissions, and if any of those intermediaries are using Plutus as well as giving us a full list of the firms that are used to contract labour.</p> <p>Mr Anderson: Yes, we will take that on notice.</p> <p>Senator PRATT: Are you aware of how much Commonwealth money is being directed through payroll companies through your department in terms of the quantum of salaries?</p> <p>Mr Anderson: I do not have that.</p> <p>Senator PRATT: If you could take that on notice. I have finished on payroll.</p>  | 24 May 2017<br>30                              |
| BE17-009 | Attorney-General and Minister for Justice | Civil Justice Policy and Programmes Division | 1.1            | Hinch   | International parental child abductions                         | <p>Senator HINCH: Chair, I recognised the time, but I have one final question and one final point. I raise it with you because I have an example. I have a constituent who went through it all. She received a parenting order that gave her majority custody of her now 10-year-old daughter. The father picked the daughter up for his court-approved weekend and he never returned. That was 21 months ago. The only contact she has had are some monitored phone calls. They know where he lives. The local police—Victoria police, of course—say, 'It's not our problem. It's a federal problem.' I have been made aware, and I am sure that you are aware, that there is a small unit in the federal police in which a complaint can be made to them and they can</p>  | 24 May 2017<br>37                              |

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|          |                      |  |                |                  |  | <p>go—it is almost a kidnapping charge. The federal police have a very small unit which can do that. Is that correct?</p> <p>Ms Saint: There are probably two issues here. One would be the breach of the Family Court order. As the Attorney explained, enforcement action in respect of that would need to be brought by the other parent in the Family Law Act. But that contact that you refer to could also give rise to some other criminal offence, which would then fall within the remit of the law enforcement agencies.</p> <p>Senator HINCH: And there is a federal police unit that do apparently do this sort of retrieving of children. It is almost kidnapping.</p> <p>Ms Saint: There is a unit within the AFP who does look after things like international parental child abduction, correct; but for domestically I would need to take that on notice.</p>  |  |
| BE17-010 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.1            | Kakoschke -Moore | Community Legal Centres funding allocation model | <p>Mr Gifford: Just to note that in terms of the negotiation of the national partnership agreement changes, it will still put the emphasis on domestic and family violence, as the Attorney has said. There will be parameters set by the arrangements to the changes to the NPA which will then be the basis on which states can allocate the funding to community legal centres.</p> <p>Senator KAKOSCHKE-MOORE: Going back to the funding amounts that you set out for me, how were those amounts actually determined by the Commonwealth? Are they reflective of demand? How did you arrive at those figures?</p> <p>Ms Samios: There are two elements to it: as a starting point, we allocated to ensure that no state or territory would have a reduction in their funding, as against this financial year, and the remainder of the funding was allocated in accordance with the funding allocation model that is used for allocating funding under the national partnership agreement generally.</p> <p>Senator KAKOSCHKE-MOORE: On notice, could you provide me with information about what that funding allocation model looks like and how money is divvied up according to that model?</p> <p>Ms Samios: We can provide that on notice.</p> <p>Senator Brandis: That is a model agreed with the states at the time the national partnership agreement was negotiated.</p>   | 24 May 2017<br>41-42                           |
| BE17-011 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Kakoschke -Moore | Community Legal Centres grant agreements         | <p>Senator KAKOSCHKE-MOORE: Can you tell me whether or not any new specialist domestic violence units will be established in South Australia as a result of this funding?</p> <p>Ms Samios: No decision has been taken at this stage as to where they will be established.</p> <p>Senator KAKOSCHKE-MOORE: Is it up to the states to put in an application to the federal government to express their desire or their need for an additional site? How will that work?</p> <p>Ms Samios: We will be seeking input from the states and territories on possible locations and possible service providers.</p> <p>Senator KAKOSCHKE-MOORE: In terms of how that money is then spent, does the federal government put any parameters on that? Would you say, 'You can only use this to pay for an additional lawyer'? Is there any restriction on how the money is spent by the unit?</p> <p>Ms Samios: Each of the units is funded through a direct grant agreement, and there are a range of parameters that are set out in those grant agreements for how the funding can be spent and the time frame in which it can be spent.</p> <p>Senator KAKOSCHKE-MOORE: Perhaps on notice, could I have some more information about those grant agreements and what is contained in them?</p> <p>Ms Samios: Sure.</p> <p>Senator KAKOSCHKE-MOORE: Are you aware of any specific areas across Australia that have demonstrated a higher need for these services?</p> <p>Ms Samios: It is not information we have put together yet.</p> <p>Senator KAKOSCHKE-MOORE: So that will happen as a result of the discussions you are having now?</p> <p>Ms Samios: That is correct.</p> <p>Senator KAKOSCHKE-MOORE: Has there been a trial of the existing specialist domestic violence units?</p> <p>Ms Samios: This entire arrangement is under a pilot program, so the existing units that are there are over a four-year pilot period. These additional units will also be part of that pilot. We are expecting to commence evaluation of that pilot early in the next financial year and to conclude that evaluation early in the following financial year, so in the financial year 2018-19, with the intention of informing government about future options.</p> <p>Senator KAKOSCHKE-MOORE: I just want to turn to South Australia again for a moment. The South Australian government is currently in the process of implementing a centralised system for legal assistance, where the Legal Services Commission will control eligibility assessment, triage and the referral of clients. I understand an MOU has been signed between the South Australian government and the Legal Services Commission. Does the federal government have a view on</p> | 24 May 2017<br>42                              |

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|          |                      |  |                |                 |  | whether the South Australian government is permitted to provide Commonwealth funding allocated to community legal centres to the Legal Services Commission for the purposes of this new centralised system?<br>Ms Samios: I think it is best if we take that on notice.   |  |
| BE17-012 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.1            | Kakoschke-Moore | Family Advocacy and Support Services                     | <p>Senator KAKOSCHKE-MOORE: Just finally I would like to go to the family advocacy and support services budget announcement, where I believe \$18.5 million has been set aside. I understand the first site has been announced in Parramatta. How much of that \$18.5 million has gone to that site at Parramatta?</p> <p>Ms Williams: I do not have specifics as to the amount that has gone to Parramatta, but I can give you a breakdown of how much of the \$18.2 million that has been allocated for these services has gone to New South Wales if that would assist.</p> <p>Senator KAKOSCHKE-MOORE: Sure, and then, if it has gone to any other states as well, could you give me that breakdown, please?</p> <p>Ms Williams: That \$18.2 million has been divided between all of the jurisdictions. For New South Wales, it is \$1.022 million for 2016-17; \$1.665 million for 2017-18; and the same for 2018-19. I can give you South Australia's figures, if that would assist?</p> <p>Senator KAKOSCHKE-MOORE: Yes, please.</p> <p>Ms Williams: For South Australia, it is \$371,000 for 2016-17, and \$610,000 for 2017-18 and 2018-19.</p> <p>Senator KAKOSCHKE-MOORE: In terms of explaining the difference in the amounts that have been provided, how were those quantum per state arrived at? What information did you use to determine the amount of money each state should receive?</p> <p>Mr Gifford: To take a step back, there are actually 14 of these sites that are operational already. The only jurisdiction yet to bring them online, and we believe it will occur in the next month, is the Northern Territory. The allocation of funding was based on consultations with the jurisdictions in terms of where the greater need was identified in those consultations with the jurisdictions.</p> <p>Senator KAKOSCHKE-MOORE: On notice, could you provide me with information about who in South Australia you consulted with?</p> <p>Mr Gifford: Yes, we can.</p> | 24 May 2017<br>42-43                           |
| BE17-013 | Attorney-General     | Civil Law Unit                               | 1.1            | Waters          | Attorney-General's actions during QUD194/2017            | <p>Senator WATERS: I have some questions about your intervention in the Wangan and Jagalingou Federal Court case concerning the Adani mine and the ILUA—the Indigenous land use agreement—</p> <p>Senator Brandis: I think I know what you are talking about. Bear with me for one second. Is that the Kemppi case?</p> <p>Senator WATERS: No, it is the one taken by Adrian Burragubba for the Wangan and Jagalingou people, which you intervened in. I cannot recall the date; I was going to ask you what the precise date was. It was in the last few weeks, though.</p> <p>Senator Brandis: They may be linked proceedings, but the case in which I intervened was a case called Delia Kemppi v Adani Mining. As I say, maybe we are talking about the same case and the proceedings were linked.</p> <p>Senator WATERS: I am not aware of the name Kemppi.</p> <p>Senator Brandis: It is on file number QUD194/2017.</p> <p>Senator WATERS: Okay, the intervention to which I am referring is whereby you sought for the court to delay making their decision until such time as you attempted to have the Native Title Amendment (Indigenous Land Use Agreement) Bill passed through the parliament. Are we talking about the same case?</p> <p>Senator Brandis: Yes, it is.</p> <p>Senator WATERS: At what time did you make the decision to intervene? At what date?</p> <p>Senator Brandis: Before the intervention application was filed, obviously. It was filed on 17 May.</p> <p>Senator WATERS: The 17th of—</p> <p>Senator Brandis: May.</p> <p>Senator WATERS: And when did you decide to take the intervention?</p> <p>Senator Brandis: Before then—I am not quite sure on what day. I would have to take that on notice.</p>   | 24 May 2017<br>51                              |
| BE17-014 | Attorney-General     | Civil Law Unit                               | 1.1            | Waters          | Attorney-General's use of parliamentary privilege during | <p>Senator WATERS: On its face it is. You asked the court to delay the decision, in your own words.</p> <p>Senator Brandis: I just read you the argument that the Commonwealth put to the court and you seem to have a copy of it there.</p> <p>Senator WATERS: I do. It is on the public record.</p> <p>Senator Brandis: It was not a request for the court to delay anything. It was a request for the court to have regard to the fact</p>   | 24 May 2017<br>53-54                           |

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|       |                      |                    |                |         | Native Title cases | <p>that there was legislation before the parliament and to make its decision on this case once the parliament had had the opportunity to consider.</p> <p>Senator WATERS: Yes. A delay. That is a delay until the law—you attempted to pass it.</p> <p>Senator Brandis: That is not asking the court to delay a decision. It is saying to a court there is a relevant consideration here to which you ought to have regard in making your decision.</p> <p>Senator WATERS: A rose by any other name would smell as rotten. You will take on notice how many times you have asked the court to delay until such time as the parliament can reach a decision.</p> <p>Senator Brandis: I am not accepting your premise that this is a request for the court to delay. It is a request for a court to take into consideration a relevant fact.</p> <p>Senator WATERS: Whichever way you would like to characterise it, I would like to know how many times you have done this before.</p> <p>CHAIR: Where there is legislation before the parliament.</p> <p>Senator WATERS: I would also like to know if any other attorney-general has ever intervened in such a manner with such a request.</p> <p>Senator Brandis: I do not know. I am the only person who can speak for myself.</p> <p>Senator WATERS: Perhaps the departmental officials could assist you in checking on that, because it seems to me to be a highly unusual and highly inappropriate intervention.</p> <p>Senator Brandis: I am advised by Mr Walter that a similar application was made in 2014 in the Jabiru litigation.</p> <p>Senator WATERS: That is one instance. We are up to two now.</p> <p>Senator Brandis: That is not the question you asked me.</p> <p>Senator WATERS: Tell me what I asked you.</p> <p>Senator Brandis: You have asked me whether I have ever intervened before. I took it on notice because I wanted to check, but I am reminded by my official that there is another example that he can readily think of. The answer to your question is yes, I have.</p> <p>Senator WATERS: Okay. So you have done it twice.</p> <p>Senator Brandis: No, I did not say I have done it twice. I said I have done it before and I have given you one example that my officials at the table can call to mind. Whether there are others I do not know. That is why I took the question on notice.</p> <p>Senator WATERS: I think we are quite clear here. You have cited two instances. You will take on notice whether there will be further instances. I have also asked the department to take on notice whether previous attorneys have intervened in such a manner. I will await those details, unless you have them to hand.</p> <p>Mr Walter: No, I do not. Can I just make a couple of brief points, though. At any one time the Commonwealth is usually a party to roughly 100 native title matters before the courts. There are usually about 350 altogether. Roughly 25 per cent of the matters that we are a party to are matters where we have intervened on grounds relating to the operation of the act, not because the Commonwealth has a property interest as such.</p> <p>Senator WATERS: Yes, I understand that.</p> <p>Mr Walter: So there are those two grounds in which we have been a party. The exercise you are asking us to undertake is to go back through hundreds of potential interventions to find out on what basis that has been since the act was commenced, which is a very—</p> <p>Senator WATERS: Well, with respect, there have not been that many native title amendment bills, have there?</p> <p>Senator Brandis: But that is not the question you asked.</p> <p>Senator WATERS: My request goes to how many times you have intervened when you have asked the court to delay on parliament's privilege.</p> <p>CHAIR: It is where there has been legislation before the parliament that affects the decision.</p> <p>Senator WATERS: Exactly, so that actually would not be too difficult an exercise.</p> <p>CHAIR: And that, I guess, would be nil.</p> <p>Senator Brandis: I did say I would take that question on notice, but it may very well be that my answer, on reflection, is to not provide you that information because it is an unreasonable use of the Commonwealth's resources. When every one of these cases is a matter of public record, and you, Senator Waters, are a lawyer with some expertise in this field and with a parliamentary staff, you should do your own research.</p> |  |

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|          |                      |  |                |                 |  | <p>Senator WATERS: Well, if you like, Attorney, I can ask the Parliamentary Library, but I thought your department would have the opportunity to—</p> <p>Senator Brandis: Why don't you do your own research, rather than ask the taxpayer to pay for it?</p> <p>CHAIR: Can I just intervene? I did not want to there, because, as Senator Waters says, she is on limited time.</p> <p>Senator WATERS: How about we do estimates via the Parliamentary Library then, if that is your argument?</p> <p>CHAIR: Her time is finished, but can I just indicate to you, Mr Walter: that is not a question of the budget estimates. What happened 20 years ago has nothing to do with the budget estimates, which is what we are here inquiring about. So you should disregard that part of the question that relates to anything but the expenditure in the current budget estimates round.</p> <p>Senator Brandis: We have taken the question on notice. I hear what you say, Mr Chairman, and you are, as always, correct. And our response to the question taken on notice will no doubt have regard to your advice.</p>  |  |
| BE17-015 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.1            | Kakoschke-Moore | Model litigant obligations and test cases                                | <p>Senator KAKOSCHKE-MOORE: To clarify, there will not be a review of the legal services direction?</p> <p>Senator Brandis: This issue has not been raised with me before, so I have not thought about it. I am not minded to unless I was persuaded that there is a manifest deficiency in the way the legal services direction operates.</p> <p>Senator KAKOSCHKE-MOORE: In this instance, it has operated to the effect that in a test case, which the Commonwealth brought to the courts, the Commonwealth was able to grant itself five times the legal power that it granted the respondent.</p> <p>Senator Brandis: As I said, I do not know enough about the case or what the issues were. In fact, I know nothing about the case—</p> <p>CHAIR: Perhaps, if you were to take it on notice, and then, if there is a fuller answer that might help Senator Kakoschke-Moore, that might be the way to do it—if you can add something to what has already been said.</p> <p>Senator Brandis: I am not quite sure what question I am taking on notice. I do not need to take on notice the question 'Am I considering changing the legal services direction?' because I am not.</p> <p>CHAIR: Perhaps I should not have started when you were not here, Attorney, but my assessment of the thing is that, if it were taken on notice, a complete answer could be given to the senator. There is some merit, in my view, in what she says. Although, I will make the point that, unfortunately, that is the legal system. If you ever want to take on one of the corporate giants, senator, you will find you are always out gunned and out spent in legal fees.</p> <p>Senator KAKOSCHKE-MOORE: Perhaps, Attorney, to assist in your consideration you can have a look at the question and the response that was given to Senator Xenophon's question by you. And then have a look at the <i>Hansard</i> of the discussion that took place prior to your—</p> <p>Senator Brandis: I am very happy, given that you have raised it in good faith, to consider what you say. That might be a better and more satisfactory way of dealing with the matter than for me to take on notice a question when I do not even know really what the question is. Why don't I say to you that I will look at what you have said in the committee this afternoon and I will consider the matter and get some advice.</p> | 24 May 2017<br>56                              |
| BE17-016 | Attorney-General     | Civil Law Unit                               | 1.1            | Waters          | Amendments to the Native Title Act                                       | <p>Senator WATERS: Did you have any conversations with the Queensland Resources Council about intervening?</p> <p>Senator Brandis: I had conversations with Mr Macfarlane, who is the CEO of the Queensland Resources Council, in relation to a range of matters concerning the amendments to the Native Title Act.</p> <p>Senator WATERS: What date was that?</p> <p>Senator Brandis: Over many occasions since the McGlade decision was given in February. I am trying to recall whether any of those conversations dealt with the question of intervention in the Kemppi proceedings. I cannot immediately remember if they did.</p> <p>Senator WATERS: If you could take that on notice to double check your memory.</p> <p>Senator Brandis: I will take that on notice to refresh my memory, but I do not recall immediately a conversation about that. It may have arisen incidentally.</p>   | 24 May 2017<br>57                              |
| BE17-017 | Attorney-General     | Civil Law Unit                               | 1.1            | Waters          | Requests from Adani, their lobbyists or the Queensland Resources Council | <p>Senator WATERS: Did you receive any requests from Adani or their lobbyists, or the Queensland Resources Council asking you to intervene?</p> <p>Senator Brandis: I have not dealt with Adani at all. And I do not know if Adani has any lobbyists, but if they do have lobbyists I have not dealt with them. As I have said, I have had a lot of conversations with Mr Macfarlane and others who advise him concerning the McGlade decision and its implications. I will check whether there is any piece of correspondence from Mr Macfarlane asking me—</p>  | 24 May 2017<br>57                              |

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|          |  |  |                |         |  | <p>CHAIR: Or the Queensland government?</p> <p>Senator Brandis: I have spoken to Dr Lynham, the Queensland minister.</p> <p>Senator WATERS: Just to finish your earlier thought there, Attorney, you will take on notice whether or not Mr Macfarlane asked you to intervene?</p> <p>Senator Brandis: I will check the correspondence.</p> <p>Senator WATERS: Thank you.</p>  |  |
| BE17-018 | Attorney-General                         | Civil Justice Policy and Programmes Division | 1.1            | Waters  | Screening mechanisms for allegations of violence                       | <p>Senator WATERS: Is there going to be a screening mechanism for cases where there are allegations of violence?</p> <p>Senator Brandis: This is a pilot program, so let us not get ahead of ourselves.</p> <p>Senator WATERS: I understand it is a pilot, but within the pilot will there be a screening mechanism? Obviously, mediation is not appropriate where there are allegations of DV.</p> <p>Senator Brandis: Indeed. As to the specific design features of this pilot program, let me take that on notice.</p>   | 24 May 2017<br>58-59                           |
| BE17-019 | Attorney-General<br>Minister for Justice | Counter Terrorism Unit                       | 1.2            | Watt    | Implementation of Recommendation 8 of the Lindt siege coroner's report | <p>Senator WATT: Obviously, at that same paragraph, paragraph 228, the coroner observes that this committee made several recommendations in its report tabled in September 2015 that dealt with these matters. The specific recommendation made by this committee in September 2015, nearly two years ago, was recommendation 8:</p> <p>The committee recommends that all Commonwealth government agencies ensure that they have procedures in place to bring sensitive correspondence which has or may have national security implications to the attention of the relevant intelligence and security agencies in a timely manner.</p> <p>That recommendation was made by this committee nearly two years ago, and now the coroner, nearly two years later, observes that there is still not an effective policy in place to require the Commonwealth bureaucracy as a whole—</p> <p>Senator Brandis: He does not say that. He does not use the word 'still'. I wish you would stop changing his words, which are no doubt carefully chosen words.</p> <p>Senator WONG: It states:</p> <p>There does not appear to be an effective policy in place to require the Commonwealth bureaucracy to forward correspondence received by it to ASIO where that correspondence is relevant to security considerations.</p> <p>Senator Brandis: That is my point. They are not the words that Senator Watt quoted. And I would ask you, Senator Watt, to avoid the temptation to try and inject your own political language into the coroner's findings. I will ask Mr Moraitis to add to my remarks, if he wishes to, but the reforms within my department that in fact anticipated the Senate committee report were implemented before the Senate committee undertook that report. In relation to the specific measures taken in other departments, that, of course, is a matter for those departments. But from a whole-of-government point of view, I can tell you that the committee's recommendations were implemented by the government. Chris, are you in a position to address this now?—</p> <p>Mr Moraitis: Yes.</p> <p>Senator Brandis: I will ask Mr Moraitis and Ms Jones, the deputy secretary for national security policy in my department, to explain to you how it is that those recommendations from a whole-of-government point of view were implemented when the Senate committee responded. But, as far as this department, the department for which I have responsibility, is concerned, we in fact anticipated the Senate recommendations.</p> <p>Senator WATT: I congratulate you and your department for doing that. The question is about the bureaucracy as a whole.</p> <p>Mr Moraitis: The majority of the recommendations in our response were focusing on the department, and we were very cognisant and responded in that respect. We also responded on that recommendation about all agencies having processes to ensure that the correspondence is responded to. We undertook consultations with the departments at the time before responding and sought assurances from those departments that those processes were in place. My understanding was that those assurances were given; hence, our statement that we supported that recommendation. We actually said that we believe that all agencies have these processes in place.</p> <p>Senator WATT: Can I just clarify that. Are you saying that after the Senate committee tabled its report, which contained that recommendation requiring all Commonwealth agencies to have these procedures in place to bring correspondence to the national security authorities, your department then consulted across government and you were assured by all departments that they did have those processes in place?</p> <p>Mr Moraitis: That is my recollection, but it is a while ago now and I would have to take that on notice and confirm. But that is my recollection of how we responded, I think.</p> | 24 May 2017<br>72-73                           |

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|          |                                       |   |                |           |  | <p>Senator WATT: Is that your recollection as well, Ms Jones?</p> <p>Ms Jones: We did go out and consult with all agencies. In terms of the exact timing of that relative to the bringing down of the Senate report, I would need to take that on notice and check it. But we definitely did go out to departments and agencies.</p> <p>Mr Moraitis: Obviously, we did not go to the specific terms that are in that recommendation, which has been put out today, in terms of the role of ASIO. That is a very big variation on that.</p>  |  |
| BE17-020 | Attorney-General Minister for Justice | Counter Terrorism Unit                          | 1.2            | Macdonald | Communication with agencies regarding Recommendation 8 of the Lindt siege coroner's report | <p>CHAIR: We might just pause there. I will come back to you. Your time finish some time ago. I just have a couple of questions. Mr Moraitis, you were not around during the time of this particular inquiry—</p> <p>Mr Moraitis: Yes, I was.</p> <p>CHAIR: Were you the secretary then? Sorry, I could have sworn you were not. I did live through that inquiry, unlike anyone else here, I suspect. Did I hear your right before when you said you would take something on notice to see what other departments have done?</p> <p>Mr Moraitis: No, I said we engaged on that recommendation with all departments to bring it to their attention. In response to that recommendation, we actually noted that we supported that recommendation and that we had followed up with departments, who had assured us that they had procedures in place for that purpose.</p> <p>CHAIR: So you did follow up with other departments?</p> <p>Mr Moraitis: My recollection is yes, but I will check how, when and what time.</p> <p>CHAIR: That is what I thought you said—you would take on notice what follow-up you did to make sure that other agencies—</p> <p>Ms Jones: For the specifics, we should take it on notice, but we did contact all agencies and alert them to the requirement, and then we sought and received assurances from them. I can provide the details of that on notice, but we did request that they come back and positively advise us whether or not they had appropriate procedures in place.</p>  | 24 May 2017<br>75                              |
| BE17-021 | Attorney-General Minister for Justice | Criminal Justice Policy and Programmes Division | 1.2            | Singh     | Statistics on modern slavery in Australia  | <p>Senator SINGH: Yes, I understand how you are looking at the issue. I am actually after data. You mentioned referrals. I think that is the most concrete answer you have given so far. I am happy for you to take it on notice, but I would like to know how the department is provided with some kind of figure of the number of people in modern slavery. That leads to my next question, which is: how many are there? How many people are there currently on the department's books trapped in slavery or slavery-like circumstances in Australia?</p> <p>Ms Hawkins: I think we might have to take it on notice, but I also say to you that, because of the nature of modern slavery—because it is such a complex and clandestine crime—it in itself is a difficult question to answer. But we will take it on notice and look at the sources—</p> <p>Senator SINGH: So you have no idea—not even a rough estimate? The department does not even have a rough estimate of how many people in Australia are trapped in slavery or slavery-like conditions?</p> <p>Ms Hawkins: I personally do not have it in front of me. I am sure that there are people who—</p> <p>Senator SINGH: I can tell you. It is 4,300.</p> <p>CHAIR: Why do you ask the question if you have got the answer?</p> <p>Senator SINGH: It is up to the department to answer the questions that I ask, and I wanted to see if the figure that I have been provided, which is by the NGO sector, is correct and wanted to see how the department itself comes up with its own metrics to determine if this figure is correct.</p> <p>CHAIR: Okay. Let's have Ms Hawkins give the answer she was about to give when I interrupted.</p> <p>Ms Hawkins: I was saying that I am sure someone will have that answer, and we will take it on notice and get back to you.</p> | 24 May 2017<br>80-81                           |
| BE17-022 | Attorney-General Minister for Justice | Criminal Justice Policy and Programmes Division | 1.2            | Singh     | Human trafficking and slavery working groups   | <p>Senator SINGH: How many working groups are there?</p> <p>Ms Hawkins: There are a range of working groups.</p> <p>Senator SINGH: Can I have a list of those and when they have met.</p> <p>Ms Hawkins: We are happy to take on notice when they all met. There are a range of working groups that are looking at human trafficking and slavery issues at the moment. There is a labour exploitation working group that is chaired by the Law Council of Australia. There was the supply chains working group.</p> <p>Senator SINGH: What happened to that one?</p> <p>Ms Hawkins: It completed its work and reported to the minister. And then there are a number of working groups that actually flow from the IDC. There is an interdepartmental committee on human trafficking and slavery. We appeared before the committee that you are on looking at human slavery. A lot of those agencies are on the IDC. Under the IDC, there is an</p>  | 24 May 2017<br>86-87                           |

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|          |   |   |                |         |   | operational working group. I think before dinner, when we were talking about how we monitor what we are doing under the National Action Plan on Human Traffic and Slavery, I mentioned that operational working group. That operational working group is one of the ways that we are regularly identifying problems with the existing legislative regime and the various packages, and looking at ideas to refine things. And there is also an international working group. That was established under DFAT's international trafficking strategy.<br>Senator SINGH: So there were four groups but now there are three, and one of them has a kind of subgroup off the human trafficking and slavery working group, which is the operational working group?<br>Ms Hawkins: We are happy to, on notice, give you this table that maps out.<br>Senator SINGH: That would be helpful.   |  |
| BE17-023 | Attorney-General and Minister for Justice | Criminal Justice Policy and Programmes Division | 1.2            | Singh   | Human trafficking and slavery   | Senator SINGH: So when you analyse and quantify all of those different figures, what figure do you end up with as the current estimate of the number of people trapped in slavery or slavery like conditions in Australia?<br>Ms Hawkins: We are aware of the Walk Free number. I did not have that to hand before. But when we were talking before dinner my staff, as I knew, did have that number to hand, and they are aware that that is the estimate that Walk Free puts on the situation. The kinds of figures that we have got are broken down according to what I am letting you know. It is very difficult to quantify. That is why I am giving you the specific data that we do have in this IDC report in terms of referrals, investigations and clients who are actually on the support program. We are happy to take it on notice and provide you with anything else that we have got, but I just wanted to share with you what was actually in the IDC annual report.<br>Senator SINGH: I appreciate that, and I would like that on notice. Can you provide an estimate, as Walk Free does, of the number of people that this government estimates are trapped in slavery or slavery like conditions? I cannot understand how the government can actually work out how it is going to deal with this issue if it does not know many people are enslaved.   | 24 May 2017<br>87                              |
| BE17-024 | Attorney-General                          | Office of International Law                     | 1.1            | Ludlam  | Ratification of the Kampala amendment to the Rome Statute of the International Criminal Court | Senator LUDLAM: Can I take it that, if those amendments were adopted by consensus, Australia was happy to see them come into force?<br>Mr Reid: I would have to take that on notice. I am not sure what position we took at the Kampala meeting. I was not there and I am not sure what the voting was at the time.<br>Senator LUDLAM: They were adopted by consensus. So we either abstained or—we certainly did not block them. But if you are not sure—<br>Mr Reid: Just let me take on notice how it was adopted.<br>Senator LUDLAM: Yes, if you could. This question might have to go through the Attorney, then. I would have assumed that there was implied support—if that is something you want to go back and check. Senator Brandis, does Australia support the prohibition of the illegal use of force—that is, creating an international crime of aggression?<br>Senator Brandis: Generally yes, of course we do. But if you are asking me about a particular international instrument, then obviously I would have to take that on notice. As a general proposition, of course Australia has been one of the most forward-leaning countries in the world in this respect.<br>Senator LUDLAM: I would not dispute that.<br>Senator Brandis: But on any particular instrument which you would perhaps say seeks to apply or extend that general principle, I would have to either refer to Mr Reid or take it on notice.<br>Senator LUDLAM: Okay, thank you. My understanding is that more than 30 countries have ratified the amendment since then. Is Australia intending to ratify it anytime soon?<br>Senator Brandis: I will take that on notice.<br>Senator LUDLAM: I also understand that, because the requisite number of countries have ratified the amendments, they will come into force later this year if all goes to plan—and that would presumably be whether Australia adds its signature or not.<br>Mr Reid: That is right.<br>Senator LUDLAM: Do you have any insight as to when those amendments may come into force?<br>Mr Reid: I would have to take that on notice. I do not have the information in my head. | 24 May 2017<br>88                              |
| BE17-025 | Attorney-General                          | Office of International                         | 1.1            | Ludlam  | Australia's confirmation of   | Senator LUDLAM: I am not sure what the process for this is; I gave you no warning at all that I was going to raise this. Are you able to tip off your colleagues in DFAT that I will bring it to them next week, so that maybe they can have some information at the table with them or the relevant officers?  | 24 May 2017                                    |

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|          |                      | Law                                       |                |         | adopting amendments   | <p>Mr Reid: Certainly.</p> <p>Senator LUDLAM: Thank you. Could you confirm for us at least that Australia is not planning on opting out of the amendments?</p> <p>Mr Reid: I cannot; I just do not know where the decision is going to land.</p> <p>Senator LUDLAM: Can I ask you to take that on notice and, if you think it is more in the domain of your DFAT colleagues, to pass that on to them as well?</p> <p>Mr Reid: Certainly.</p>   | 89   |
| BE17-026 | Minister for Justice | International Law Enforcement Cooperation | 1.2            | Pratt   | Progress of the Adler shotguns and lever-action shotguns                                    | <p>Senator PRATT: I am interested in looking at the progress that has been made on Adler shotguns and lever-action shotguns. I note that the AGD is responsible for firearms regulation. I want to ask what information the departments holds about the volume and type of firearms being imported into Australia.</p> <p>Mr Bouwhuis: Technically, the question about imports would be one for Immigration and Border Protection, but I understand that we had taken that on notice previously. I think those figures have been compiled. So I would expect that to come back, or we can take that on notice on their behalf. But I thought that had been raised and that we had obtained that from Immigration and Border Protection.</p>  | 24 May 2017<br>90-91                           |
| BE17-027 | Attorney-General     | Australian Government Solicitor           | 1.3            | Wong    | Administrative Appeal Tribunal's billing arrangement with the Attorney-General's Department | <p>Senator WONG: Certainly that is what I was intending. I do want to know how you cost and charge for those in-house services. Would the Attorney-General's core department receive a bill from you for the AAT?</p> <p>Mr Kingston: Yes. The department on this occasion received a bill from us.</p> <p>Senator WONG: In respect of what?</p> <p>Mr Kingston: In respect of the work we did on the AAT matter and then subsequently the work we did on the case in the Federal Court.</p> <p>Senator WONG: The full Federal Court appeal. You don't have those?</p> <p>Mr Kingston: Do I have the costing?</p> <p>Senator WONG: Do you have those available?</p> <p>Mr Kingston: The reason I was about to say it is a question I would normally seek to take on notice is to have an opportunity to consult with the client because it would involve revealing information that is confidential to the client about what we charge them and on occasions that could adversely affect ongoing matters in relation to the matters.</p> <p>Senator WONG: There are no ongoing matters in relation to this. This is the Senate estimates. This is public expenditure.</p> <p>CHAIR: Let Mr Kingston finish his answer.</p> <p>Senator WONG: I thought he had.</p> <p>Mr Kingston: The example I was about to give, which is one reason why we would seek to consult with the client, is if, for example, paying all the costs that the other side were seeking to recover was a matter of ongoing negotiation then there could be reasons on occasions why the costs charged by the other side to their own client was not something that would want to be revealed in public until settling the winning side's costs had been resolved. In this case, there are ongoing discussions with Mr Dreyfus about the costs he is seeking to recover in relation to the court case. That is one example why, in relation to confidential information like that, we would normally seek to consult with our client first, who may say, 'Go ahead and disclose the costs,' which is fine, but it is something as lawyers, as distinct from officials in the department, for example, would normally seek to do.</p> <p>Senator WONG: And you have not done that.</p> <p>Mr Kingston: No. As I said, rightly or wrongly, the cost question was not one of the questions I wrote down.</p> <p>Senator WONG: I hope this does not end up with further matters having to come before the Senate. Do you want to take it on notice or can you come back at 10 o'clock after you have had a chance to have a conversation with the Attorney?</p> <p>Mr Kingston: I will take it on notice.</p> <p>...</p> <p>CHAIR: Minister, I am speaking. In addition to that, Mr Kingston, as a professional lawyer, wants to speak to his client, which happens to be you, and I am sure he does not want to do it in a public venue on national TV or something. It is something he said he will take on notice. He will no doubt, in the course of taking it on notice, consult with his client and come back with an answer to the committee. I do not think we can take it much further than that.</p> <p>Senator WONG: Let's be clear: what I am seeking is all costs incurred by AGS in the course of representing the Attorney-General and his chief of staff in both the AAT and the Federal Court proceedings, and—</p> | 24 May 2017<br>95-96, 98-99                    |

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|          |                      |                                 |                |         |  | <p>Senator Brandis: I understand what you are asking—</p> <p>Senator WONG: I am just putting it on notice. Can we please just let me do that and then we can move on?</p> <p>...</p> <p>Senator WONG: I am trying to finish this—</p> <p>CHAIR: Yes, please.</p> <p>Senator WONG: because I am conscious that you were very courteous in letting me interpose here. Did you understand yourself to have taken anything else on notice?</p> <p>Mr Kingston: Yes. I thought you also asked who was instructing AGS in relation to the AAT proceeding.</p> <p>Senator WONG: Yes.</p>   |  |
| BE17-028 | Attorney-General     | Australian Government Solicitor | 1.3            | Wong    | Changes to the Australian Government Solicitor's ASL after consolidation | <p>Senator WONG: All right. I have one other question, if I may, which is about your merger into AGD. Is that the best way to describe it? How would you like me to describe it?</p> <p>Mr Kingston: It is a perfectly acceptable way to describe it.</p> <p>Senator WONG: Is that effectively complete—systems are all integrated et cetera?</p> <p>Mr Moraitis: Not completely integrated. The AGS is a separate group within the department and operates as a legal practice. They would not share information or issues of their clients with the department.</p> <p>Senator WONG: Sorry. I just meant in terms of what you set out to do to ensure the merger was completed. Have all of those things been done? I understand there is a sort of functional separation for legal reasons.</p> <p>Mr Moraitis: Yes. There was legislation passed and it has all been achieved.</p> <p>Mr Kingston: Yes, 95 per cent. There are some small issues in terms of non-legal functions, about further fully integrating them with AGD, but the vast bulk of it—</p> <p>Senator WONG: These are like the back office—</p> <p>Mr Moraitis: In terms of property and back office, corporate-type things. That seems to be going pretty well as well.</p> <p>Senator WONG: What was the change in ASL for AGS as a result of that—</p> <p>CHAIR: Senator Wong, if you are going to do that, we will have to come back. I am sorry.</p> <p>Senator WONG: I am happy to put them on notice.</p> <p>CHAIR: Okay. Put them on notice.</p> <p>Mr Moraitis: If I can assist—</p> <p>CHAIR: No.</p> <p>Senator WONG: There really are only two questions, Chair.</p> <p>CHAIR: Mr Moraitis, the AGS is on at 10 o'clock and other programs before then. We agreed to have Mr Kingston come in on the basis of the undertaking from Senator Wong that it would only be for a couple of answers relating to the diary case. We have had those. Mr Kingston has taken them on notice. If we are going any further, I am afraid we will have to come back at 10.</p> <p>Senator WONG: I had two questions. If you do not want me to do them, can I just put them on notice?</p> <p>CHAIR: On notice, you said?</p> <p>Senator WONG: I am happy to do them on notice. They are very quick questions.</p> <p>CHAIR: Well, put them on notice.</p> <p>Senator WONG: It was changes to the ASL in the AGS as a result of the merger and savings that you can attribute to the merger. Are they able to be answered?</p> <p>Mr Moraitis: Yes, as best we can. On the second point, in particular, we will try our best. On the first point—</p> <p>CHAIR: Mr Moraitis, I do wish you would listen to the ruling I have made, and that is that they are taken on notice, not to be answered now. If they are to be answered now, we will stay until 10 o'clock.</p> <p>Senator WONG: Neither of us were seeking to have them answered now. I just was wondering if the way in which I had expressed them was the way in which the department—</p> <p>CHAIR: I apologise if I have got that wrong. You have taken them on notice?</p> <p>Senator WONG: Yes. Thanks.</p> | 24 May 2017<br>99-100                          |

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| BE17-029 | Attorney-General                         | Australian Government Solicitor           | 1.3            | Macdonald | Costs claimed by Mr Dreyfus | <p><b>CHAIR:</b> Before you go, Mr Kingston, can I put some questions about the case on notice as well. I understand Mr Dreyfus is claiming costs from the government as a result of his successful prosecution of the case. Could you tell me the costs involved and what is being claimed? Could you tell me which counsel Mr Dreyfus engaged, which solicitors he engaged, what his bill of costs against the Commonwealth constitutes—the total amount—the amount he has charged for solicitors and for barristers and whether they are QCs? I understand Mr Dreyfus led the case himself as a QC but I understand he also had junior counsel and solicitors there. Could we get details of those? I am asking you to take those on notice and, when you are returning to Senator Wong on notice, you can give me those on notice and some comments about the claim.</p> <p><b>Senator WONG:</b> I have one more thing on notice just on this.</p> <p><b>CHAIR:</b> Let me—</p> <p><b>Senator WONG:</b> Sorry, I thought you had finished, Chair.</p> <p><b>CHAIR:</b> I thought Mr Kingston was trying to say something.</p> <p><b>Mr Kingston:</b> We will certainly take those on notice, Senator. One thing I would flag, and it may pass with time, it is that I think there are without prejudice discussions between the parties at the moment about those costs.</p> <p><b>CHAIR:</b> Mr Kingston, you did make that clear to Senator Wong, and that is why you are cautious to respond. But, in the same context as Senator Wong, if you are answering Senator Wong's you are answering mine; if you cannot answer Senator Wong's you cannot answer mine.</p> <p><b>Mr Kingston:</b> We will certainly take that on notice.</p> <p><b>CHAIR:</b> It is apples with apples. Was there a clarification, Senator Wong?</p> <p><b>Senator WONG:</b> In light of what the Attorney said, can the department explain why legal costs have been previously disclosed—for example, in relation to the Timor-Leste arbitration between 2013 and 2014?</p> <p><b>CHAIR:</b> Do you understand what that means, Mr Kingston? I do not. If you do, that is all we need.</p> <p>...</p> <p><b>Senator WONG:</b> Chair, can I just put one point. I have asked the question in a form which would permit aggregate costs. So if the issue is on the basis that the Attorney has just outlined, if there is an issue of concern there—and I do not necessarily accept that—that is, the rate of a particular barrister, then the way in which I have asked the question contemplates an aggregate cost answer.</p> | 24 May 2017<br>100-101                         |
| BE17-030 | Attorney-General<br>Minister for Justice | International Law Enforcement Cooperation | 1.2            | Watt      | Firearms                    | <p><b>Senator WATT:</b> I have a few other questions about firearms. You are probably aware that earlier in the year some amendments were passed in the Senate to the firearms trafficking bill and those amendments, among other things, added aggravated offences for trafficking 50 or more firearms or parts with maximum sentence of life imprisonment. The amendments also increase the maximum penalty for basic firearms trafficking offences from 10 years to 30 years. Senator Brandis, this is probably best directed to you: will the government support this bill as amended? My recollection is that the government did support those amendments to the firearms trafficking bill in the Senate, though I might be wrong there.</p> <p><b>Senator Brandis:</b> I will just get that checked.</p> <p><b>Senator WATT:</b> Regardless of whether the government supported it or not, the amendments were passed by the Senate, so my question is: will the government support the bill as amended in the lower house?</p> <p><b>Senator Brandis:</b> This is a matter being handled by Mr Keenan, so I will check with his office.</p> <p><b>Senator WATT:</b> Are you not aware?</p> <p><b>Senator Brandis:</b> Yes. I am advised that the Labor amendment in the Senate weakened the bill by removing the mandatory minimum sentences. When the bill comes back to the House of Representatives we will be amending it to restore the mandatory minimum sentences.</p> <p><b>Senator WATT:</b> So you will be opposing the increase in sentences from 10 to 30 years?</p> <p><b>Senator Brandis:</b> We will be strengthening the bill by moving to reinstate in the bill the mandatory minimum sentence provision that the Labor Party removed in the Senate.</p> <p><b>Senator WATT:</b> Will you be supporting the addition of aggravated offences for trafficking 50 or more firearms or parts?</p> <p><b>Senator Brandis:</b> We supported those other amendments, so I think the answer is yes.</p> <p><b>Senator WATT:</b> Do you know when the government intends to progress that bill in the lower house?</p> <p><b>Senator Brandis:</b> I cannot immediately tell you what the forward sitting program of the House of Representatives is, so I will have to take that on notice.</p>   | 24 May 2017<br>104                             |

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| BE17-031 | Attorney-General Minister for Justice | International Law Enforcement Cooperation       | 1.2            | Watt    | Attorney-General's Department providing advice on the firearms trafficking bill | <p>Senator WATT: I suppose we will just have to disagree on that one. Mr Moraitis, has the department provided any advice on the firearms trafficking bill to the government since those amendments were made?</p> <p>Mr Moraitis: I will ask Mr Bouwhuis or Mr Gray to answer that.</p> <p>Mr Bouwhuis: Could you be more specific?</p> <p>Senator WATT: The amendments were passed in the Senate and the bill has been returned to the House of Reps for consideration, so my question simply is: since those amendments were made and the legislation as amended passed by the Senate, has the department provided any further advice to the government regarding that bill on any matter?</p> <p>Mr Bouwhuis: I think it is easier to perhaps just take it on notice, because your question is broad. We have obviously communicated about the bill or whatever, but perhaps it is easiest if I just take that on notice.</p>   | 24 May 2017<br>104                             |
| BE17-032 | Attorney-General Minister for Justice | Criminal Justice Policy and Programmes Division | 1.2            | Watt    | Safer streets   | <p>Senator WATT: My apologies. I am happy to keep going with Safer Streets, but I realise there is one other question I need to ask about firearms, so we might get those people back as well. Regarding the Safer Streets Program, in May last year Minister Keenan made an announcement in Townsville and committed \$2.7 million in community safety funding for Queensland through the Queensland Police-Citizens Youth Welfare Association. In that announcement, the minister announced:</p> <p>The funding will create new Youth Support Officer positions to provide dedicated post-program support to Project Booyah graduates in seven locations across Queensland, including Townsville, Cairns, Rockhampton, Mount Isa, Wooldridge, Nerang and Palm Beach-Elanora.</p> <p>Can you advise whether that funding has been provided?</p> <p>Ms Hawkins: I have lists of various things, but I think for the specific question you are asking it might be best for us to take it on notice.</p> <p>Senator WATT: Okay.</p> <p>CHAIR: I suspect the answer is yes, because I think I had something to do with the announcement.</p> <p>Mr Lodge: I suspect that the funding will have commenced, but, as it is often provided against milestone payments, we will take on notice whether the balance of the funding has been provided.</p> <p>Senator WATT: If you could. I can only assume that I am asking this question because the funding has not been provided. If it has not been provided, could you advise why it was not included in the 2017-18 budget?</p> <p>Ms Hawkins: We will take that on notice.</p> <p>Senator WATT: Additionally, when will it be provided? If it is not being provided, could you advise why the government has cancelled this commitment. Are you aware of any decision to cancel that commitment?</p> <p>Ms Hawkins: I have lists of what is funded, but I will take it on notice because of the amount of detail I have here—you can imagine, with all these grants programs, there is a limit to what we bring up. We have a lot of lists of who was funded, but to drill down to that next layer we will answer that on notice.</p> | 24 May 2017<br>105                             |
| BE17-033 | Attorney-General Minister for Justice | Criminal Justice Policy and Programmes Division | 1.2            | Watt    | National Anti-Gang Taskforce  | <p>Senator WATT: More generally, beyond firearms, I am not sure whether it is your part of the department that considers criminal justice policy in general, but one of the other measures that the commissioner advised would need to be taken was a cutback to the National Anti-Gang Taskforce. Has there been any work done by your department to consider the impact of this cut on agencies' ability to fight gangs, including bikie gangs?</p> <p>Ms Rose: Not that I know of. I would probably like to take that on notice because I am not aware of the specific cuts that the commissioner was proposing. Certainly the agencies that are in the portfolio that have more of an operational viewpoint, such as the ACIC and the AFP and other areas, are all joint members of those task forces and they would absolutely have a view on whether that would impact on the outcomes. So, if you do not mind, we might take that on notice.</p>   | 24 May 2017<br>106                             |
| BE17-034 | Attorney-General Minister for Justice | Countering Violent Extremism Centre             | 1.2            | Pratt   | Countering Violent Extremism program  | <p>Senator PRATT: I note that this year's budget commits only just over \$9 million for CVE programs and that it drops to just over \$6 million per year in the following three years. Does this indicate a downgrading of the commitment to countering violent extremism, compared with the announcement?</p> <p>Ms Jones: No—there has been some phasing of the money that we received 2014 across the forward estimates. But we would be looking to maintain our level of activity and in fact increase it, particularly in developing materials around addressing the extremist narrative on social media.</p> <p>Senator PRATT: Was the \$64 million I mentioned over the forward estimates?</p> <p>Ms Jones: That is correct.</p> <p>Senator PRATT: So it includes the \$9 million for this year, including the budget money previously, and \$6 million in the</p>   | 24 May<br>2017109-110                          |

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|          |                                       |                                     |                |         |  | <p>following three years. Why is there a difference of \$3 million a year between this year and the following three years?</p> <p>Ms Jones: I would need to check the breakdown across the four years. I should note that \$45 million of that \$64 million was allocated to the Attorney-General's Department. The remainder was allocated, I believe, to the AFP. In regard to the phasing of the money, I would need to take that on notice—</p> <p>Senator WATT: If you have the budget papers handy you might be able to have a look. It is program 1.7 in the portfolio budget statements—I do not have a page number but it is table 2.1. The measure—about half way down the page—'Countering violent extremism to prevent terrorism' for 2016-17, if you would like to look it up now.</p> <p>Senator PRATT: There is a spike in funding this year compared with last year but I cannot see what the funding was in the 2014-15 year. In which year will that \$64 million commitment be completed? Is that in 2020-21?</p> <p>Ms Jones: Yes.</p> <p>Senator PRATT: So the remainder of the \$64 million was spent in the preceding 2014-15, 2015-16 years?</p> <p>Ms Jones: I am sorry. In regard to the exact breakdown, we certainly put additional funding in the first years in order to be able to do the intervention program and build up—the sequencing of that funding across the forward estimates, obviously, the 2018-19, 2019-20, and 2020-21 was just a split across those programs. If I could take on notice to give you more detail about how we see that being allocated across the programs?</p> <p>Senator PRATT: All right. If you have not quite an extra \$2 million in the fund for next financial year, what are you expecting to achieve with that extra \$2 million?</p> <p>Ms Jones: The significant activities we will be undertaking next year are particularly focused on the counter-narrative social media work. In terms of the ongoing impact and influence of extremist narrative, we see that as a really significant and enduring issue. It is not strictly associated with ISIL. We see other groups such as al-Qaeda learning from ISIL in terms of much more sophisticated use of social media. Notwithstanding that ISIL itself may be experiencing some diminution in its territorial control in Iraq and Syria, we consider the ongoing risks associated with that extremist material to be quite significant.</p> <p>Senator PRATT: What is the rough breakdown of how next financial year's \$9 million will be spent?</p> <p>Ms Jones: I do not have here with me tonight a table that sets that out. I can get it for you.</p> <p>Senator PRATT: You do not have a rough idea? If you could also take on notice what elements of that program are likely to be dropped in the following three years because of the funding difference between '17 and '18 and the three forward years?</p> <p>Ms Jones: I can do that.</p> <p>...</p> <p>Senator PRATT: For the sake of brevity, could you take on notice what specific services or programs are funded within that budget line item—and we have had some discussion of these—including a view towards ongoing service delivery funding within countering violent extremism.</p> |  |
| BE17-035 | Attorney-General Minister for Justice | Countering Violent Extremism Centre | 1.2            | Pratt   | Countering Violent Extremism types of programs | <p>Senator PRATT: I understand that with countering violent extremism there would be many millions of dollars spent in the AFP, border control and all of that, but I am looking at those community, social, early intervention type things. The figures that you have given me tonight, do they pertain to the same kinds of programs?</p> <p>Senator Brandis: They certainly include the community intervention programs, yes.</p> <p>Senator PRATT: Do they include other kinds of programs?</p> <p>Senator Brandis: Let me take that on notice so the figures can be disaggregated further if they are able to be.</p>   | 24 May 2017<br>112                             |
| BE17-036 | Attorney-General Minister for Justice | Countering Violent Extremism Centre | 1.2            | Pratt   | Australian Intervention Support Hub            | <p>Senator PRATT: What are the differences between the new direction and the Australian Intervention Support Hub?</p> <p>Mr Carpay: Essentially, the Intervention Support Hub was an outsourced model—for want of a better descriptor. We are actually now going to build the hub ourselves so that we can house and contain it, and then use other sources of information to add to that ourselves.</p> <p>Senator PRATT: Is that because the Australian Intervention Support Hub, as initially envisaged, did not meet its performance indicators as originally set out?</p> <p>Mr Carpay: That is not how I would characterise what we are doing now, no.</p> <p>Senator PRATT: How would you characterise it?</p> <p>Mr Carpay: I think it has served its purpose, which was to do some initial work and engender some community understanding of issues. It now seems sensible for us to proceed based on that and build it for a longer term and sustainably. If we own it ourselves it is easier to operate and manage control, put it on a stable IT platform, control access and ownership</p>  | 24 May 2017<br>112-113                         |

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|          |   |                                     |                |         |  | <p>et cetera.</p> <p>Senator PRATT: Thank you. You might need to take this on notice. I am assuming that the directory of CVE services is public; is that right?</p> <p>Mr Carpay: No, it is not. The reason for that is that many of the service providers have concerns about being known to be working in this field. It can impact on them in a number of ways, including a loss of contact within communities within which they are working, so it is not a public document or list.</p> <p>Senator PRATT: So how do I ask you appropriately what services are in that list of services?</p> <p>Mr Carpay: Can I take that on notice and come back to you with advice? I can tell you roughly the sorts of things that are there. It does involve a range of support, counselling, employment et cetera. There are a range of things there, but we can take on notice to give you an outline of the sorts of services that are available through that.</p>  |  |
| BE17-037 | Attorney-General and Minister for Justice | Countering Violent Extremism Centre | 1.2            | Pratt   | Countering Violent Extremism program     | <p>Senator PRATT: My last question is to Senator Brandis: your very helpful briefing note that you provided that is your own notes—is that information you can provide in a written form to the committee.</p> <p>Senator Brandis: Yes.</p> <p>Senator PRATT: Thank you; no further questions.</p> <p>CHAIR: Thank you very much, Senator Pratt. I thank the minister; the secretary and your team, Secretary; Hansard; and my colleagues.</p> <p>Senator PRATT: Is that something I can have now or for later?</p> <p>Senator Brandis: Can we give it to you tomorrow, Senator.</p>   | 24 May 2017<br>114                             |
| BE17-038 | Minister for Justice                      | Australian Federal Police           | N/A            | Wong    | Changes in program appropriations        | <p>Senator WONG: The headcount is—</p> <p>Mr Wood: The number of individuals employed by the organisation is always a couple of hundred more, because of—</p> <p>Senator WONG: It cannot be the other way around.</p> <p>Mr Wood: Correct, unless we are behind our recruitment targets and have not achieved what the budgets—</p> <p>Senator WONG: The actual ASL is always going to be lower than the headcount.</p> <p>Mr Wood: That is correct.</p> <p>Senator WONG: Because of time—you indicated to me a range of programs that were reducing or altering, including within the capital budget, which were the underlying movements that are not separately disaggregated in table 1.1—can we get them on notice?</p> <p>Mr Wood: Certainly—</p> <p>Senator WONG: You reference RAMSI, the building hardening and PNG, I think.</p> <p>Mr Wood: We gave an answer to—</p> <p>Senator WONG: I am sorry.</p> <p>Mr Wood: It is okay. We gave an answer to some questions from, I think, Senator Pratt from last estimates where we did break down all of the movements in measures—</p> <p>Senator WONG: Do you want to just update that then? Why don't you just update that question on notice?</p> <p>Mr Wood: We can update that for the most recent budget.</p> <p>Senator WONG: Is that okay?</p> <p>Mr Wood: Yes, we will do that.</p> | 25 May 2017<br>8                               |
| BE17-039 | Minister for Justice                      | Australian Federal Police           | N/A            | Wong    | Attrition rates of sworn police officers | <p>Mr Wood: The attrition rate for sworn police officers is 2.10 per cent.</p> <p>Senator WONG: Which equates to?</p> <p>Mr Wood: 83 sworn police. For protective service officers, it is 1.94 per cent, which is 19 individuals. And, for professional staff, 4.35 per cent, which is 114 individuals.</p> <p>Senator WONG: And this is as at—?</p> <p>Mr Wood: Those figures are the projected attrition for the Federal Police for the financial year 2016-17.</p> <p>Senator WONG: Do you have historical rates?</p> <p>Mr Wood: I can get those. I do not have them with me.</p> <p>Senator WONG: That would be great. Chair, I am happy to switch to someone else.</p>   | 25 May 2017<br>9                               |

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| BE17-040 | Minister for Justice | Australian Federal Police | N/A            | Macdonald | Investigations with the Electoral Commission regarding the seat of Herbert          | <p>Ms Close: That is correct. Of the assessment that we undertook with the Electoral Commission, we accepted 76 cases for investigation. Some of those were in the seat of Herbert. We then did have some actions and activities in Herbert. We had a raft of investigators speaking to all the people we suspected may have undertaken multiple voting. From that, 70 matters have now been finalised and six matters are still be investigated.</p> <p>CHAIR: Six are still being investigated?</p> <p>Ms Close: Yes.</p> <p>CHAIR: Is the Electoral Commission aware of this? Because I am sure that is not their evidence.</p> <p>Ms Close: I do not know what—</p> <p>CHAIR: What their evidence is is irrelevant to what your evidence is. Yours, I am sure, would be absolutely accurate.</p> <p>Ms Close: And I do not know what the Electoral Commissioner referred to there of course, but those six relate to the whole of Australia as well.</p> <p>CHAIR: Are there any in Herbert?</p> <p>Ms Close: I would have to take that on notice.</p>  | 25 May 2017<br>9-10                            |
| BE17-041 | Minister for Justice | Australian Federal Police | N/A            | Macdonald | Cases reported to the Australian Federal Police about the seat of Herbert           | <p>CHAIR: There were about 200 cases of multiple voting in Herbert but 40 were so serious, according to the AEC, that they referred them. Are you able to tell us, of those that were marked as double voting, whether this occurred within the electorate of Townsville or whether they were declaration votes taken elsewhere?</p> <p>Ms Close: I would have to take that on notice; I cannot answer that.</p> <p>Mr Colvin: I think the question is for the Australian Electoral Commission. They understand and analyse the voting patterns. They refer, to us, instances of concern. We do not, necessarily, have the information that you are looking for.</p> <p>CHAIR: No, I appreciate that. Again, my reason for inquiring of the AFP was just to understand how you looked at those. In the case of Herbert, are you aware that there were about 200 cases but only 42, as you rightly said, appeared to the AEC to be so serious as to warrant police investigation?</p> <p>Ms Close: No; I will take that on notice, though, to understand exactly how many instances are alleged to have occurred.</p>  | 25 May 2017<br>12                              |
| BE17-042 | Minister for Justice | Australian Federal Police | N/A            | Hume      | Matters relating to the Royal Commission into Trade Union Governance and Corruption | <p>Senator HUME: Can you please tell me how many matters were referred to police forces for possible criminal prosecutions as a result of the Heydon Royal Commission into Trade Union Governance and Corruption?</p> <p>Mr Colvin: Yes, I think we have those figures.</p> <p>Ms Close: We have had 34 referrals that were received following the final report into the trade union royal commission.</p> <p>Senator HUME: Thank you. You can take this on notice, but do you have those broken down by state?</p> <p>Ms Close: I can take that on notice.</p> <p>Senator HUME: I understand that there have been a number of criminal convictions that have been secured in relation to a number of offences: blackmail, fraud, perjury and obstruction of commonwealth officials—is that correct? Do you know how many have been secured?</p> <p>Ms Close: I do not have the finalisation numbers at court, but I know we still have nine matters before the court.</p> <p>Senator HUME: So there are nine matters before the court?</p> <p>Ms Close: Yes.</p> <p>Senator HUME: My understanding is that there are already seven criminal convictions that have taken place.</p> <p>Ms Close: Again, I will take that on notice.</p> | 25 May 2017<br>16                              |
| BE17-043 | Minister for Justice | Australian Federal Police | N/A            | Roberts   | Australian Federal Police's annual remuneration                                     | <p>Senator ROBERTS: Could you please tell me, before I start my line of questioning, what your annual remuneration is.</p> <p>Mr Colvin: My annual remuneration? This may seem odd: I will have to go and check that. I am happy to do that.</p> <p>Senator ROBERTS: Thank you.</p> <p>Senator Brandis: It is available on the Remuneration Tribunal website; it is not a public secret.</p> <p>Senator ROBERTS: Thank you, Attorney.</p> <p>Mr Colvin: I am not trying to avoid the question.</p> <p>Senator ROBERTS: No, I understand that.</p> <p>Mr Colvin: It is not something that drives my motivation to be here.</p> <p>Senator ROBERTS: I guessed that; if you could take that on notice, please. My questions relate to the bombing of the Australian Christian Lobby headquarters in Canberra on the evening of 21 December 2016. In February of this year, I asked the Australian Federal Police in estimates a series of questions on notice regarding this. I assume you would be aware of that.</p> <p>Mr Colvin: Yes.</p>  | 25 May 2017<br>21                              |

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| BE17-044 | Minister for Justice | Australian Federal Police      | N/A            | Hinch   | Secret sex offenders register   | <p>Senator HINCH: Back in February estimates, you gave me figures that in 2015 800 people on the so-called secret sex offenders register went overseas and of them 340, I think it was, went to South-East Asia—to Myanmar, Cambodia and the Philippines—on what I call 'child rape holidays'. Do you have the figures for the next year, 2016?</p> <p>Mr Colvin: I will just check—we do not have them at the table, but we can certainly get them for you. I am told we do not have those figures and so we will take it on notice.</p>   | 25 May 2017<br>22                              |
| BE17-045 | Minister for Justice | Australian Federal Police      | N/A            | Wong    | Length of service of Law Enforcement Liaison Officers                 | <p>Senator WONG: How many law enforcement liaison officers have worked in Minister Keenan's office since he became minister?</p> <p>Mr Colvin : I would have to check and take that on notice. I think we would be on our third at the moment—I was just told it is our fourth.</p> <p>Mr Wood: The first of those four was in the previous office.</p> <p>Mr Colvin : In the transition.</p> <p>Senator WONG: Has the tenure been less than 18 months for most of the three years, post the—shall I just call it the transitional position?</p> <p>Mr Colvin : On the basis of time, it probably would have been less than 18 months—yes.</p> <p>Senator WONG: Can you tell us why that is the case.</p> <p>Mr Colvin : Sometimes, it might be career opportunities. I believe one may have been promoted while they were in the position. We want them to perform other roles within the organisation. There are a range of reasons.</p> <p>Senator WONG: Can you tell me the tenure of the three? Leaving aside the—</p> <p>Mr Colvin : We will check that. We will give you the exact details of when each of our liaison officers started and finished—I will take that on notice.</p>   | 25 May 2017<br>25                              |
| BE17-046 | Attorney-General     | Strategy and Delivery Division | 1.1            | Fawcett | Standing Committee on Social Policy and Legal Affairs' recommendation | <p>Senator FAWCETT: Mr Moraitis, my questions go to organised crime. Before I get to the substantive part, I would like to put one question on notice. In July 2011, the House of Representatives Standing Committee on Social Policy and Legal Affairs issued a report looking at advertising standards. Recommendation 2 of that called for a number of actions by the Attorney-General's Department, including a review of the self-regulatory system and then five-yearly reviews. Could get back to the committee with an update on what action was taken against recommendation 2 and whether those reviews are in fact ongoing. Thank you.</p>   | 25 May 2017<br>26                              |
| BE17-047 | Minister for Justice | Australian Federal Police      | N/A            | Wong    | Complaints raised with the Minister's Office                          | <p>Senator WONG: I was taking the commissioner's evidence to its next step. The commissioner gave evidence, I thought, about what the protocol would be, if there were complaints. So, essentially, I was asking: as a result of complaints, have those protocols been followed? Have there been discussions with the minister's chief of staff? I am conscious my time has expired, and you might want the opportunity to get some information and advice. I am happy to pause there, Chair, if you wanted to go to someone else.</p> <p>CHAIR: Yes, I do. Thank you, Senator Wong. We will break for 15 minutes for morning tea then I will go to Senator Feeney and then to Senator Xenophon. Commissioner, you have a—</p> <p>Mr Colvin: In answer to Senator Wong's questions, I want to be quite specific: we will take on notice, if there have been any complaints that have been brought to our attention that we have raised with the minister's office</p> <p>Senator WONG: Yes. I asked you: if there was problem, what would the protocol be. You described it. I then asked, essentially, have any steps in that protocol been—</p> <p>Mr Colvin: Let me make sure that we are giving you the accurate answer; we will take that on notice.</p> <p>Senator WONG: Thank you.</p> | 25 May 2017<br>26                              |
| BE17-048 | Minister for Justice | Australian Federal Police      | N/A            | Fawcett | Organised crime   | <p>Senator FAWCETT: How many arrests have you made? Can you give us an idea, in terms of organised crime, of the number of people arrested and the number of people who, having been convicted and perhaps done a sentence, are then arrested for a subsequent crime in those areas?</p> <p>Mr Colvin: We would probably have to take that on notice. We would certainly have a number of arrests that we have made over certain periods of time, but we would have to break down which of those were for organised crime matters and which of those were for different types of matters. The second part I think we would find very difficult to answer.</p> <p>Senator FAWCETT: In terms of organised crimes and gangs, how extensive is the incidence of coercion for people who have an association with those gangs? Do you find that coercion of other parties is part of how they work?</p> <p>Ms Close: It certainly is a part of the way that they tend to operate, their modus operandi. In terms of numbers or statistics</p>  | 25 May 2017<br>27-28                           |

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|          |                      |                           |                |          |   | in respect of that, I would have to take that on notice, because that is quite specific offence to obtain.  |  |
| BE17-049 | Minister for Justice | Australian Federal Police | N/A            | Xenophon | Support and counselling available to Australian Federal Police officers | <p>Senator XENOPHON: But does that mean that there is not necessarily any face-to-face help from a qualified psychologist for any AFP members outside Canberra?</p> <p>Mr Wood: If they use the Employee Assistance Program, there are 790 registered psychs and social workers as part of that network, and 80 per cent of the contact with the employees—</p> <p>Senator XENOPHON: Sorry, eight or 80 per cent?</p> <p>Mr Wood: Eighty per cent of the contact with the Employee Assistance Program is face to face.</p> <p>Senator XENOPHON: Can you give me some details in terms of the counselling for these matters. How much of the 5.6 FTE psychologists takes place face to face and how much of it is over the phone?</p> <p>Mr Wood: I will take that on notice, Senator.</p> <p>Mr Colvin: I think this is important, as well. Those permanently employed clinical psychs that we have are not the principal way that professional support is delivered. The principal way it is delivered is through our Employee Assistance Program with Davidson Trahaire Corp psych. If I am an officer in Sydney and I register that I want to get some support, then I will go through and get a local contracted medical professional to help me. We have recognised that that model has flaws. It has got strengths but it has also got limitations, and that is why, since we last spoke at estimates, we have engaged Phoenix Australia, who are the national centre for excellence in post-traumatic mental health, to work with us to improve that model.</p> <p>Senator XENOPHON: I was going to go to the issue of Phoenix Australia. Will this include mechanisms for follow-up support from the AFP once Comcare claims are lodged?</p> <p>Mr Wood: Yes, Senator. One of the other things that has happened since we last spoke is that the welfare officer network training is under way, so we will have around 40 members right across the country and in the bigger postings offshore. That will be face to face, so they can help people connect to the professional services that are available.</p> <p>Senator XENOPHON: I might ask you to take on notice: what strategies are in place for debriefing after traumatic events, to the extent that you are able to disclose?</p> <p>Mr Wood: We could certainly go into that.</p> | 25 May 2017<br>29                              |
| BE17-050 | Minister for Justice | Australian Federal Police | N/A            | Xenophon | Broderick review outstanding recommendations                            | <p>Senator XENOPHON: In terms of the recommendations of the Broderick review and their status, whilst the appendix was helpful, could you take on notice a completion date for implementations of all the outstanding recommendations, or at least an approximate date, a range of dates for the implementation of all the recommendations? I also want to go to the issue of you advising that 25 per cent of insurance claims made so far this year were for psychological or psychiatric injury.</p> <p>Mr Wood: That is right.</p>  | 25 May 2017<br>29                              |
| BE17-051 | Minister for Justice | Australian Federal Police | N/A            | Xenophon | Psychological/psychiatric claims  | <p>Senator XENOPHON: Right. Can we get from you whether there has been in the last, say, three years there has been an increasing decline of psychological/psychiatric claims as a percentage of overall claims—whether there is some trend of a decline or increase or steady relation to—</p> <p>Mr Wood: It is an increase. But we can quantify that for you.</p> <p>Senator XENOPHON: A significant increase?</p> <p>Mr Colvin: We will have to check that but to be quite frank I would hope and expect that it is an increase because we are trying to destigmatise that it is okay to come forward.</p>  | 25 May 2017<br>29                              |
| BE17-052 | Minister for Justice | Australian Federal Police | N/A            | Xenophon | CommCare reports and bullying claims                                    | <p>Mr Wood: Yes, there is a standard, and CommCare have best practice guidelines for all their clients which we would seek to abide by.</p> <p>Senator XENOPHON: Which is?</p> <p>Mr Wood: My recollection is it is two weeks for the initial claim but I will need to check that because I am not often involved in the individual lodgements, but I am certainly not aware of complaints of the AFP taking 12 months to do that. I am aware of a couple of recent claims that went in where I know they were lodged in less than two weeks.</p> <p>Senator XENOPHON: Sure. Can you on notice provide me with details of how many times in the past year this standard has not been met. I also asked about the number of bullying claims, and you advised there were three that were accepted by CommCare. Was that three made or three made and accepted. If you could indicate that?</p> <p>Mr Wood: I will get the details on notice, but I could not break them down.</p> <p>Senator XENOPHON: Let me just roll some off on notice because I think that is the fairest way of dealing with them.</p>  | 25 May 2017<br>30                              |

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| BE17-053 | Minister for Justice | Australian Federal Police | N/A            | Xenophon | Bullying claims and reporting allegations       | Senator XENOPHON: For the bullying claims, if compensation was awarded in those instances, what happened to the person who carried out the bullying in terms of any disciplinary or other action? There are concerns that, when reporting bullying allegations, these reports are being sanitised. What are the mechanisms and safeguards in place to avoid this from happening? How many of the total number of bullying complaints have been directed at senior management? If you could take that on notice.   | 25 May 2017<br>30                              |
| BE17-054 | Minister for Justice | Australian Federal Police | N/A            | Xenophon | Bullying complaints to Safe Place               | Senator XENOPHON: You mentioned that—I think on notice—that since 22 August 2016 there had been 97 bullying complaints to Safe Place. Is that because—as I recall it—this is a new arrangement?<br>Mr Wood: Yes. When you asked about what were the arrangements now a moment ago, that is a critical new arrangement. It is designed to take away the concerns that were raised in the Broderick Report about the way that we had previously handled complaints, including some of the issues you just mentioned, and so as a result there has been an increase in the number of reports of bullying. The Safe Place figures would be even higher again. I am just aware that since we answered the questions that went back to you after the last estimates, there has been some more.<br>Senator XENOPHON: How many more since then?<br>Mr Wood: All I know is that I left the office yesterday. The person who runs this area said, 'Look, we could update the figures if the Senate wants something.'<br>Senator XENOPHON: If you could update those figures. How many of those complaints have been directed at senior management and how are they being addressed? You might want to take that on notice.<br>Mr Wood: The first of that we will answer. We will update the answer because we have already provided that answer in the questions on notice. We will update that as well. In terms of how they are dealt with, one of the things that Broderick strongly recommended was that the person who is complaining has control over what happens next. Rather than the matter being taken out of their hands and automatically going to professional standards, that the individual can say, 'I would like to sit down and have a mediated conversation with the person who I believe has been bullying me, or I want it referred to professional standards.' There is a range of responses to that second part of your question. | 25 May 2017<br>30                              |
| BE17-055 | Minister for Justice | Australian Federal Police | N/A            | McKim    | Papua New Guinea-Australia policing partnership | Senator McKIM: Good morning, Commissioner, thanks to you and your officers for coming in. I just wanted to ask a few questions about the Papua New Guinea-Australia policing partnership that the AFP is engaged in. Are you able to break down the costs—or the outgoings, I guess, in dollar terms—of that program since its inception, into, say, 12-month blocks?<br>Mr Colvin: The current program ends on 30 June, and we have just recently been re-funded—<br>Senator McKIM: For another two years, yes.<br>Mr Colvin: for another two years, largely in terms of support to RPNGC for APEC 2018. We would be able to break it down into how that funding is appropriated year by year, yes.<br>Senator McKIM: Do you have that now, or will you need—<br>Mr Colvin: I do not think we have that with us.<br>Ms Close: No, sorry, Senator. We will have to take that on notice.<br>Senator McKIM: Okay. No worries. I would appreciate it if you would do that. Do you have information today about the number of officers deployed in the course of that program, perhaps broken down into whatever period you are able to?<br>Mr Colvin: I think we would, yes.<br>Ms Close: Certainly. I have the headcount as at 20 April this year, which is 55. But to go back further I will take that on notice.<br>Senator McKIM: And that is at a point in time?<br>Ms Close: That is right.<br>Senator McKIM: I would appreciate it if you would take that on notice.  | 25 May 2017<br>37                              |
| BE17-056 | Minister for Justice | Australian Federal Police | N/A            | McKim    | Funding of new police station on Manus Island   | Senator McKIM: I am happy to take that as a response, thank you. I was in PNG recently, and I want to ask a few questions. I was in Lorengau on Manus Island, and I was told—and I am just checking to see whether this is correct—that AFP is funding the construction of the new police station there.<br>Mr Colvin: I do not believe that is correct. We have very little to do with the Manus Island police, but we can take that on notice.<br>Senator McKIM: They are part of the Royal PNG Constabulary. They are not a separate—<br>Mr Colvin: They absolutely are, but I do not think that is right.<br>Senator McKIM: That is fine. Perhaps if what I am told is right, and if what you said is not, you could correct that on notice.  | 25 May 2017<br>38                              |

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| BE17-057 | Minister for Justice | Australian Federal Police | N/A            | McKim           | Infrastructure projects funded by the Australian Federal Police       | <p>Mr Colvin: We certainly have infrastructure development projects with the RPNGC. Most of those have been completed.</p> <p>Senator McKIM: Thank you, Commissioner. I was going to ask that as my next question. Do you have a list of the infrastructure projects that have been funded by AFP through that program?</p> <p>Mr Colvin: We certainly do, but we do not have them with us.</p> <p>Senator McKIM: Could you please provide that on notice.</p> <p>Mr Colvin: Yes.</p> <p>Senator McKIM: One of them was a swimming pool at the Bomana RPNGC police college.</p> <p>Mr Colvin: I believe we paid for the refurbishment of the RPNGC mess, which included an outdoor area and refurbishment of a swimming pool.</p> <p>Senator McKIM: Do you have the cost of the swimming pool and the broader project?</p> <p>Mr Colvin: We would have the cost of the broader project, absolutely.</p> <p>Senator McKIM: Do you have that here?</p> <p>Ms Close: We will take that on notice.</p> <p>Senator McKIM: Just for clarity, what I am asking for is a breakdown of all the infrastructure projects that have been funded by AFP through that project, and, specifically, in relation to the college at Bomana, as a sub-line item if you like, the cost of the swimming pool.</p> <p>Mr Colvin: There has been quite a bit of refurbishment of the college of Bomana. We can certainly do that.</p> | 25 May 2017<br>38                              |
| BE17-058 | Minister for Justice | Australian Federal Police | N/A            | McKim           | PNG-APP current iteration   | <p>Mr Colvin: The PNG-APP started around 2009, but there was an earlier iteration that was overturned by a constitutional decision in PNG that was around 2005. I will take on notice the date of the current iteration. I thought it was 2009, but I have just been told by my colleagues 2008, so it is around that time.</p> <p>Senator McKIM: That was in regard to when the program started, but if possible could you also on notice provide the date on which government directed the AFP to commence this program, because obviously there would be a lag between the direction and the implementation—I presume.</p>  | 25 May 2017<br>38                              |
| BE17-059 | Minister for Justice | Australian Federal Police | N/A            | McKim           | Australian Federal Police and the Royal Papua New Guinea Constabulary | <p>Senator McKIM: Did you uncover any evidence that supported either of those claims during the course of those investigations?</p> <p>Ms Close: The Royal Papua New Guinea Constabulary itself has acknowledged human rights abuses by their police officers and the police commissioner in Papua New Guinea, Commissioner Barkey, declared 2017 'the year of discipline'. Part of the role of the Australian Federal Police in Papua New Guinea is in providing that advisory support for training, leadership, investigations management—including working with the RPNGC Internal Affairs Directorate.</p> <p>Senator McKIM: The question was: the investigation that the commissioner has confirmed occurred, did that uncover any evidence that supported either of the two claims? What I am trying to differentiate between here is the commissioner has been very clear that, ultimately, he is satisfied that neither of the claims were able to be substantiated—please correct me if I am wrong, Commissioner; I am paraphrasing here and I accept that. What I am trying to discover is whether that was a matter of judgement by the investigators when weighing different evidence or whether there was simply no evidence there to weigh?</p> <p>Mr Colvin: Let us take that on notice so we can be very clear and specific in our answer.</p>   | 25 May 2017<br>39                              |
| BE17-060 | Minister for Justice | Australian Federal Police | N/A            | Kakoschke-Moore | Human trafficking investigation funding and Taskforce Cadena          | <p>Senator KAKOSCHKE-MOORE: Do you have specific funding set aside for those categories of trafficking that I just mentioned?</p> <p>Mr Colvin: I do not believe we have any current funding program measures specific to human trafficking, no.</p> <p>Senator KAKOSCHKE-MOORE: Is there any current funding set aside for cybersex trafficking?</p> <p>Mr Colvin: Not in a specific way, I would not suggest, no.</p> <p>Ms Close: No, in the AFP, under our crime operations division, we investigate these crimes as they are referred to us as a matter of course. So, no specific funding—there are a range of investigators focussed on various crime types.</p> <p>Mr Colvin: So there is a base appropriation that we make decisions about priorities—about what we should and should not investigate.</p> <p>Senator KAKOSCHKE-MOORE: Would it be possible, on notice, to provide a breakdown of your efforts in each of those spaces and the funding that was used in order to help you investigate cases of trafficking?</p>   | 25 May 2017<br>40-41                           |

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|          |                      |                           |                |                 |   | Mr Colvin: Certainly, we can provide you with the number of referrals, number of investigations and number of prosecutions.   |  |
| BE17-061 | Minister for Justice | Australian Federal Police | N/A            | Kakoschke-Moore | Focus and members of Taskforce Cadena   | <p>Senator KAKOSCHKE-MOORE: I understand that there is a task force—and my apologies if I get the pronunciation wrong—Taskforce Cadena. It is a joint agency initiative between the Department of Immigration and Border Protection, the AFP and the Fair Work Ombudsman. It is specifically looking at disrupting criminals who are engaged in organising visa fraud, illegal work and the exploitation of foreign workers. Are you able to speak to me a little about the AFP's involvement in that particular task force?</p> <p>Mr Colvin: Personally, no. I am hoping that my deputy commissioner may.</p> <p>Ms Close: I am certainly aware of the task force but, in terms of some of the specifics, I would have to take on notice the focus and numbers of investigators attached to Taskforce Cadena.</p>   | 25 May 2017<br>41                              |
| BE17-062 | Minister for Justice | Australian Federal Police | N/A            | Kakoschke-Moore | Child sexual abuse  | <p>Senator KAKOSCHKE-MOORE: But, in terms of people here in Australia requesting that sexual abuse occur of a child in a different country so that they can watch it on the internet?</p> <p>Mr Colvin: Yes, there are offences for that.</p> <p>Senator KAKOSCHKE-MOORE: Which offences are they?</p> <p>Mr Colvin: They would be in our child exploitation and online child exploitation offences.</p> <p>Senator KAKOSCHKE-MOORE: Do those sections require the person who has commissioned the abuse to physically be in the presence of the child in order for that conduct to be captured by that offence?</p> <p>Mr Colvin: I would think not—no.</p> <p>Senator KAKOSCHKE-MOORE: If you could take that on notice to get a definite answer.</p> <p>Mr Colvin: I am quite confident that no, it would not require them to be.</p> <p>Ms Close: That is correct. It does not require that, and there are a raft of offences that we can certainly outline for you on notice.</p>  | 25 May 2017<br>41-42                           |
| BE17-063 | Minister for Justice | Australian Federal Police | N/A            | Kakoschke-Moore | Number of referrals the Australian Federal Police receives regarding cybersex trafficking | <p>Ms Close: using a carriage service to groom persons under 16 years of age. There are a raft of offences there that we have investigated. Again, I can probably provide some specifics if you provide the questions on notice to us. That would be really helpful.</p> <p>Senator KAKOSCHKE-MOORE: Sure. That would be helpful, thank you. How many referrals per month does the AFP make to international agencies in respect of cybersex trafficking?</p> <p>Ms Close: I would have to take that on notice in terms of how many per month. It is a significant number.</p> <p>Senator KAKOSCHKE-MOORE: When you say 'significant', could you give me a ballpark figure?</p> <p>Ms Close: I can turn it around to the other way and say that in 2016 we in the Australian Federal Police have received a total of 8,600 reports of alleged child pornography. In terms of how many we make offshore, I will take that on notice.</p> <p>Senator KAKOSCHKE-MOORE: The reports in relation to child pornography could include still images, material that had not necessarily been commissioned recently by a person?</p> <p>Mr Colvin: Absolutely, yes.</p> <p>Senator KAKOSCHKE-MOORE: Would it be possible to get a breakdown of those reports, to see just how many of those reports related to the commissioning of child sexual abuse overseas to then be viewed on the internet?</p> <p>Ms Close: I will certainly take that on notice.</p> | 25 May 2017<br>42                              |
| BE17-064 | Minister for Justice | Australian Federal Police | N/A            | Kakoschke-Moore | Molasses tobacco  | <p>Senator KAKOSCHKE-MOORE: Have you conducted any investigations into the importation of molasses tobacco over the past few years?</p> <p>Mr Colvin: I think we would have to take that on notice. It certainly does not come to mind as something that we have done recently.</p>   | 25 May 2017<br>43                              |
| BE17-065 | Minister for Justice | Australian Federal Police | N/A            | Wong            | Disaggregation of appropriations  | <p>Senator WONG: Thank you. The next was—to truncate this—that I think the table that you referred me to is a table attached to both AE17/029 and AE17/030. I think they are identical tables—is that right? It is a disaggregation of the departmental appropriation funding?</p> <p>Mr Wood: Is that about the answers to questions on notice?</p> <p>Senator WONG: Yes.</p> <p>Mr Wood: I think I referred to it. We did not actually talk about the answers themselves.</p> <p>Senator WONG: You referred to it, yes.</p>   | 25 May 2017<br>43                              |

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|          |                      |                                    |                |          |   | <p>Mr Wood: We undertook to update it.</p> <p>Senator WONG: Rather than me going through this, I think the best way—and it seems to me they are identical tables—</p> <p>Mr Wood: They are. I can confirm that.</p> <p>Senator WONG: Yes. Can you just update those.</p>   |  |
| BE17-066 | Minister for Justice | Australian Federal Police          | N/A            | Wong     | Law Enforcement Liaison Officers and Comcare claims                             | <p>Mr Wood: We are just confirming. We may be very close to having the periods of time. We have actually spoken to three of the four law enforcement liaison officers who have worked in Minister Keenan's office, and they have all confirmed that they have not made any complaints in their time as the liaison.</p> <p>Senator WONG: And you will, on notice, give me the time frames and whether or not any Comcare claims have been lodged? Comcare is the relevant insurer for you, isn't it?</p> <p>Mr Wood: The workers comp insurer, yes.</p>  | 25 May 2017<br>43-44                           |
| BE17-067 | Minister for Justice | Australian Federal Police          | N/A            | McKim    | Death penalty   | <p>Senator MCKIM: During my last line of questioning—this is back onto the death penalty issue, Commissioner. I think Deputy Commissioner Close—in fact she did provide how many requests had been granted in both of the two categories: the ones that are dealt with internally and also the ones that went up to the minister. Do you also have figures on how many were refused?</p> <p>Mr Colvin: Leanne may just check the records but, in terms of matters that we have put to the minister for his approval since 2013: four requests in 2013, four were approved; nine in 2014, nine were approved; 11 in 2015, 11 were approved; and there have been none in 2016 and none in 2017.</p> <p>Senator MCKIM: Okay, but I am asking about refusals—where it was put up, and the minister has knocked it back?</p> <p>Mr Colvin: They have all been approved.</p> <p>Senator MCKIM: They have all been approved? And what about the internal ones?</p> <p>Ms Close: I do not have that figure with me, so I can take that on notice for you.</p>  | 25 May 2017<br>44                              |
| BE17-068 | Minister for Justice | Australian Federal Police          | N/A            | Xenophon | Journalist information warrants   | <p>Senator XENOPHON: Yes, about 60 seconds—starting now. Commissioner, the Telecommunications (Interception and Access) Act annual report lists a number of reports that the AFP made application for. I think the 2014-15 report refers to 856 warrants. You concede that that does not in any way compromise the integrity of operations or any privacy issues simply by giving those number of warrants?</p> <p>Mr Colvin: No. We are required to report that.</p> <p>Senator XENOPHON: That is right, and many would see it as a useful oversight tool. You may want to take this on notice: have you seen the UK Interception of Communications Commissioner's annual report where the commissioner has given detailed information on journalist warrant equivalents? Do you intend to have journalist information warrant numbers published in the TIA annual report?</p> <p>Mr Colvin: I think the intention is they are. I will take it on notice.</p>   | 25 May 2017<br>46                              |
| BE17-069 | Attorney-General     | Australian Human Rights Commission | N/A            | Watt     | Drug dependence defined as a disability under the Disability Discrimination Act | <p>CHAIR: Welcome, Mr McEwen.</p> <p>Senator WATT: Thank you, Mr McEwen, for coming along today. I have a couple of questions about the Disability Discrimination Act. It may be that some of these questions are best directed to you; alternatively, it may be that they are better directed to the department. We can work out where they go, depending on who is responsible for what. For the purposes of the Disability Discrimination Act, is drug dependence, in some circumstances, considered to be a disability?</p> <p>Mr McEwen: I will have to take that on notice. However, the DDA deals with medical disabilities, which would include a dependency on drugs. But I am happy to take that on notice and give you a more detailed response.</p> <p>Senator WATT: Sure. Is there anyone within the department who might be able to advise on that?</p> <p>Mr Moraitis: We will have to take that on notice too, Senator.</p> <p>Senator WATT: Is there no-one here who knows? Mr Walter?</p> <p>CHAIR: If there were, could I suggest we might come back to them later.</p> <p>Senator WATT: It helps with the flow of the questions, if we can have that clarified.</p> <p>Mr Walter: My answer would be pretty much identical to the commissioner—that we would have to have a look at it but, yes, medical conditions—</p> <p>Senator WATT: Medical conditions, okay. I accept you are taking it on notice, but—potentially—drug dependence might constitute a disability for the purposes of the act.</p> | 25 May 2017<br>46                              |

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| BE17-070 | Attorney-General     | Civil Law Unit                     | 1.1            | Watt    | Drug test Centrelink recipients                                  | <p>Senator WATT: Has the commissioner undertaken any analysis of the government's announcement to drug-test Centrelink recipients, and whether that would potentially breach the Disability Discrimination Act?</p> <p>Mr McEwen: I am not aware of any such inquiry, and I might ask the department to also respond.</p> <p>Senator WATT: Has the department been asked to provide advice on whether that proposal potentially breaches the act?</p> <p>Mr Walter: We would not be asked for advice, in that sense, in terms of a legal opinion. We were aware of the proposal and there has been some consultation on the proposal.</p> <p>Senator WATT: Why would you not be asked for advice on whether a government proposal was legal?</p> <p>Mr Walter: In that case, you would either go to your internal legal adviser—my area, which is a policy area—</p> <p>Senator WATT: You are the policy area.</p> <p>Mr Walter: We are the policy area; we have not been asked for our legal opinion. We have been consulted on the proposal.</p> <p>Senator WATT: When did that occur?</p> <p>Mr Walter: We would have seen the proposal through the normal processes that go on for any decision related to government—say, cabinet processes. Also, I think we had some consultation on in the last few weeks. I would have to check the exact dates.</p> <p>Senator WATT: Can you take that on notice and advise us exactly of the dates that you were consulted?</p> <p>Senator WONG: Post the budget as well.</p> | 25 May 2017<br>47                              |
| BE17-071 | Attorney-General     | Australian Human Rights Commission | N/A            | Siewert | Drug addiction   | <p>Senator SIEWERT: This is the issue that I want to start on as well. I want to go to the issue of addiction. My understanding of the act is, and certainly your website says:</p> <p>The Act does not exclude disability that has been caused by a drug addiction.</p> <p>My question is: is addiction classed as a disability, when you as a commission, and you as the commissioner, are assessing complaints and providing advice?</p> <p>Mr McEwen: I will need to take that on notice, but I will say for now that medical disabilities do come under the Disability Discrimination Act.</p> <p>Senator SIEWERT: Perhaps President Triggs may also need to jump in here, if she knows anything. Has anybody in the government, whether it be the Attorney-General, Minister Porter or Minister Tudge, sought your advice or the commission's advice either on the proposal to drug test applicants for income support or for the change to the impairment tables as they relate to disability caused by substance abuse?</p> <p>Mr McEwen: I will have to take that on notice.</p>  | 25 May 2017<br>49                              |
| BE17-072 | Attorney-General     | Australian Human Rights Commission | N/A            | Siewert | Disability and drug testing                                      | <p>Senator SIEWERT: Sorry, you are wasting my very valuable seven minutes. Mr McEwen, have you or the commission looked at either the drug testing proposals or the proposal to change the impairment tables?</p> <p>Mr McEwen: We have not looked at it in detail. I will say that I have some concerns about the potential for human rights; however, I will have to take that on notice.</p> <p>Senator SIEWERT: I want to ask you about that. I am aware of other jurisdictions around the world where they have found that in fact addiction is a disability and drug testing is discriminatory. If you have looked at it already, I would ask you to expand on the comment you just made and on what your considerations have been to date.</p> <p>Mr McEwen: It is early days. I will take that on notice. I am happy to give you a detailed response on notice.</p> <p>Senator SIEWERT: Thank you. Given that we are, I suspect, going to be considering this legislation in the parliament shortly, I would ask that that be fairly expeditious advice on this matter. In terms of the issues around addiction, could you expand—and I will say briefly, as much as I want to hear it in depth, because I have got limited time—on what some of the international literature, if you are across it, says around the issues around addiction and disability?</p> <p>Mr McEwen: I have not had a chance to consider that in detail, so again I will take that on notice.</p>                                      | 25 May 2017<br>49                              |
| BE17-073 | Attorney-General     | Australian Human Rights Commission | N/A            | Siewert | Advice sought relating to the Australian Human Rights Commission | <p>Senator Brandis: As I said to you a moment ago, ordinarily, the government does not seek advice from the Human Rights Commission. It may be that, if a particular human rights related issue arises, I might, in an informal way, as I have done on occasions, or other members of the government are at liberty to, have a conversation with the Human Rights Commission. The Human Rights Commission is not, basically, an advisory body. It is a complaints handling body and a body that writes reports, usually at its own motion, but sometimes at the request of the Attorney-General.</p> <p>Senator SIEWERT: You have just outlined yourself—and I do not want to get into an argument with you, because you are using up my valuable time—</p> <p>Senator Brandis: I am just pointing out your question is based on an incorrect understanding of the—</p>  | 25 May 2017<br>50                              |

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|          |                      |                                    |                |           |  | <p>Senator SIEWERT: You just said that you sought informal advice. You just said, yourself, that you seek informal advice. So can I ask again, Mr McEwen: are you aware of any informal advice or formal advice that has been requested or sought?</p> <p>Mr McEwen: On what matter are you referring to?</p> <p>Senator SIEWERT: On any matter.</p> <p>Mr McEwen: As you are aware, if I have any concerns about any potential breaches under the Disability Discrimination Act, my role is to engage with the department and the Attorney's office. I can give you a number of examples, but that is my role—to provide advice.</p> <p>Senator SIEWERT: Could you take that on notice then, please?</p>   |  |
| BE17-074 | Attorney-General     | Australian Human Rights Commission | N/A            | Siewert   | Complaints under the NDIS                            | <p>Senator SIEWERT: In answers to several of my questions on notice you said that, in terms of hearing, there had been no complaints about access under the NDIS. Could I ask you on notice to update the figures in question AE17/003, about complaints about access to hearing services under the NDIS, and in AE17/002, about the number of complaints you have received about the NDIA. Could you provide us with updated figures on those, please.</p> <p>Mr McEwen: Yes. In regard to your question about hearing impairment, I can say that from the period July to December 2016, there were 29 complaints from people who have a hearing impairment—</p> <p>Senator SIEWERT: Yes; I saw that. I am now asking for you to update that for this year.</p> <p>Mr McEwen: I do not have any further information, other than that.</p> <p>Senator SIEWERT: Do you also not have anything to add to the figures that you provided in relation to complaints about the NDIA? Will I have to wait till next estimates?</p> <p>Mr McEwen: Yes; that is correct. I will take that on notice.</p> <p>Senator SIEWERT: Can I go back to the issue of testing. Would it be normal for you to look at the measures that were introduced—both the drug testing issue and the impairment tables—regardless of whether you were asked to or not?</p> <p>Mr McEwen: That is correct. My role is to ensure that under the Disability Discrimination Act there is no form of discrimination against people with disability in Australia. I will take that on notice and look into that.</p>  | 25 May 2017<br>51                              |
| BE17-075 | Attorney-General     | Australian Human Rights Commission | N/A            | Macdonald | Confidentiality of a complaint                       | <p>CHAIR: That is very helpful for those who were questioning on that subject. Professor, I might start. I will not be terribly long. In a question labelled AE17/012, I asked about the complaint made by Ms Cindy Prior to the commission. You took it on notice. Your written response says, 'We thought it was filed with her application to the court, but it is not, as such, a public document.' You approached Ms Prior saying, 'Can you release it?' She said no for the reasons she has given. You finish by saying, 'Given that the request for the copy of the complaint followed a quick question about whether it was a public document, the commission has assumed that the chair only sought a copy of the claim if it was a document that was already public.' If it is not a document that is already public, can I still ask for a copy of it? It is the way the question is answered that encourages me to ask. If it is not already public, can I still ask, as part of this committee, for it to be made public?</p> <p>Prof. Triggs: Thank you for the question. I think, as you will be aware, that when complaints come to us, they are confidential unless the parties choose themselves to take the matter into the media. If the complainant was asked by us if they would agree to information being released and the complainant said no, I believe that we will be controlled by our statute, which requires us to exercise confidentiality in relation to that complaint. So I think the answer is that were it not already in the public arena and the complainant requested that it be kept confidential, we would be required to honour that request. I can check the legality of that and come back to you to clarify the points and take it on notice.</p> | 25 May 2017<br>52                              |
| BE17-076 | Attorney-General     | Australian Human Rights Commission | N/A            | Wong      | Australian Human Rights Commission budget reductions | <p>Senator WONG: Can I ask a question? May I ask a question? Thank you. Professor Triggs, can you just remind me what the budget appropriation for the 2016-17 year is?</p> <p>Prof. Triggs: For 2016-17—</p> <p>Senator WONG: Sorry, 2017-18.</p> <p>Prof. Triggs: So 2017-18 is \$20.85 million, which is a decrease of \$0.27 million.</p> <p>Senator WONG: And the reduction in MYEFO, was it \$1.7 million for 2016-17 and \$1.6 million for 2017-18?</p> <p>Prof. Triggs: I am sorry, Senator. Could you repeat that question?</p> <p>Senator WONG: The past reductions; there have been past cuts—is that right?</p> <p>Prof. Triggs: There have, yes.</p> <p>Senator WONG: Are you able to detail them, or would you like me to put them on notice?</p> <p>Prof. Triggs: If I may, I would like to answer them on notice.</p>   | 25 May 2017<br>56                              |

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| BE17-077 | Attorney-General     | Australian Human Rights Commission | N/A            | Wong    |  | <p>Senator WONG: In your submission to the inquiry into freedom of speech in December 2016, there was a recommendation in relation to the alleviation of budget constraints. The commission sought a reversal of the cuts in MYEFO in 2014-15 and 2016-17, the restoration of the funding removed in the 2014-15 budget and the inclusion in future budget processes of equivalent funding of the eighth full-time commissioner, who has since been appointed. I wonder if you can give us a little more detail on that recommendation in the light of this budget.</p> <p>Prof. Triggs: If I may, I will give you absolutely precise information on notice. But to answer your question, at the moment, we have been subject to the efficiency dividends. We lost a significant sum of money that went to the royal commission on institutional child sex abuse. We have had appointments for new commissioners made without funding for them.</p>  | 25 May 2017<br>56-57                           |
| BE17-078 | Attorney-General     | Australian Human Rights Commission | N/A            | Abetz   | President's speech at the Bob Brown Foundation                             | <p>Senator ABETZ: Thank you. Let us try and get through this quickly. I refer to question on notice No. 416. When were the two meetings referred to in the answer set up? I assume that you will need to take that on notice. I invite you to take that on notice given that an answer is not yet—</p> <p>Prof. Triggs: Thank you, Senator Abetz. I will take that on notice.</p> <p>Senator ABETZ: The freedom of information request would suggest that the invitation to address the Bob Brown Foundation lecture was accepted in December 2016—is that correct?</p> <p>Prof. Triggs: I do not recall when the invitation was received. I would have to take that on notice.</p> <p>Senator ABETZ: Take on notice when it was received and when it was accepted. The freedom of information schedule of documents suggests, albeit highly redacted et cetera—we are working through a process—that the speech you delivered as president may have been written not only by the president. Would that be correct? Staff were involved in its creation?</p> <p>Prof. Triggs: You are referring to the speech I gave—</p> <p>Senator ABETZ: At the Bob Brown Foundation.</p> <p>Prof. Triggs: At the Hobart oration?</p> <p>Senator ABETZ: That is right.</p> <p>Prof. Triggs: Yes. I would have to, again, check the records. I think I wrote that speech myself.</p>                             | 25 May 2017<br>59                              |
| BE17-079 | Attorney-General     | Australian Human Rights Commission | N/A            | Abetz   | Speeches and education campaigns on human trafficking                      | <p>Senator ABETZ: Can you take on notice for me, please, how many speeches on human trafficking have been undertaken and how many education campaigns and things of that matter? I will turn to one quick final issue. The president of the Human Rights Commission is quoted in <i>The Australian</i> on Thursday, 11 May as having said about Ms Abdel-Magied's deeply offensive Facebook post that it was a 'relatively minor incident'. I wonder whether the president was reported correctly and whether that is actually her view.</p> <p>Prof. Triggs: I will have to take that on notice and see exactly what was said. I certainly would not trust the reporting in that newspaper for being accurate. I think it may be the gist of what I was saying, if not precise. The point was—</p>  | 25 May 2017<br>63                              |
| BE17-080 | Attorney-General     | Australian Human Rights Commission | N/A            | Watt    | Information provided to the Department of Finance                          | <p>Senator WATT: Yes. Before I was interrupted, I was reminding Senator Brandis that while the Department of Finance did give evidence that their role is to maintain the system overall, it is agencies that are responsible for providing information. So is it not the case that it was the responsibility of his agency to provide that information?</p> <p>Senator Brandis: Well, assuming that that is right—and I will assume that it is—I suppose it all depends what the question is about. If the question is about the website, it is a question to the Department of Finance. If it is a question about what information an agency in my department provided to the Department of Finance for the purposes of the website, it is obviously a question for the Human Rights Commission.</p> <p>Senator WATT: So whose responsibility is it to provide correct information to the Department of Finance?</p> <p>Prof. Triggs: Well, I would imagine it is our responsibility, so I will certainly go back to the office and find out exactly what information we gave them or what the timing was. If we failed to get that information with regard to Mr Wilson's appointment to them in a timely way, I will report back to you as a question on notice and apologise. But I do not know that that is the case at all. I need to go back to the office and find out what happened.</p> | 25 May 2017<br>66                              |
| BE17-081 | Attorney-General     | Australian Human Rights Commission | N/A            | Siewert | Advice sought from the President of the Australian Human Rights Commission | <p>Prof. Triggs: I do not believe it was, but I did want to make the point, Senator Siewert, that while, the Attorney, of course, is quite right in saying he does not come to the commission to ask advice in any formal way, the reality, certainly for my five years and I believe for my predecessor, is that a great deal of work is done collaboratively with officials of the Attorney-General's Department and with the commission on matters where we have specific skills. That has been a very fruitful relationship over very many years. So it is not formal advice, but there is no doubt that we communicate on a lot of issues—but I do believe not on this one.</p> <p>Senator SIEWERT: On the true issues—</p>   | 25 May 2017<br>75                              |

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|          |                      |                                 |                |            |  | <p>Senator Brandis: I will just add to that, please, because I do not want to be misunderstood. When I said that the commission's role was not ordinarily to provide advice in the sense in which the discussion was then being conducted, what I was referring to, as the context will show, is the government going to the commission for advice on particular policy matters, especially in the context of the earlier questions and the context of preparing budget measures. That is not to say—Professor Triggs is quite right—that we do not very often seek advice in an informal way. I have just given you an example, where Professor Triggs's advice and input were sought on the legislation. Now, in a sense, all agencies advise their ministers in an informal way. At the moment, the director-general of the National Archives is informally advising me about some amendments to the Archives Act, for example. So there is always that informal relationship in which advice is sought and given. And I would not want to be thought to say that that is not a very important part of the relationship. But there is not advice in the sense of the formal governmental step.</p> <p>Senator SIEWERT: Thank you for that clarification. Professor Triggs, was your advice sought in the more informal manner that has just been discussed on these two measures—the impairment tables and the drug testing?</p> <p>Prof. Triggs: Senator Siewert, I believe not. But I will need to take it on notice to be absolutely certain that that answer is correct. I believe that is the correct answer.</p> <p>Senator SIEWERT: Thank you.</p> |  |
| BE17-082 | Attorney-General     | Strategy and Delivery Division  | 1.1            | Wong       | Information on the AusGovBoards website                                      | <p>Mr Anderson: I am sorry. It is the responsibility of the Attorney-General's Department to update the information. We provided updated information to the Department of Finance on 23 November 2016. So the answer to that question on notice that it was a matter for the Department of Finance was because we had provided them with updated information that they had not updated.</p> <p>Mr Moraitis: So we will obviously consult with the commission about the need to follow up. They need to follow up anyway.</p> <p>Mr Anderson: They had taken this question on notice. We will let them know.</p> <p>Senator WONG: Are you able to provide a copy of the provision of that November 2016 information, please, however it was sent, such as by email?</p> <p>Mr Anderson: I have been advised 23 November 2016 is the date. We will take on notice the form.</p> <p>Senator WONG: That would be great.</p>  | 25 May 2017<br>76                              |
| BE17-083 | Attorney-General     | Strategy and Delivery Division  | 1.1            | Wong       | Advice regarding Mr Wilson   | <p>Senator WONG: It is actually just the department. Mr Anderson, could you explain either now or on notice why the advice you have just given evidence about—that Mr Wilson was no longer a commissioner—was provided some months after he was actually elected? I think you said, 'We provided that advice to finance on 23 November 2016.'</p> <p>Mr Anderson: That is correct.</p> <p>Senator WONG: He was elected. Obviously, the election was July.</p> <p>Mr Anderson: September.</p> <p>Senator WONG: The election—whatever the election date was.</p> <p>CHAIR: Senator Wong is giving you the option of answering or taking it on notice.</p> <p>Senator WONG: I have not actually finished my question.</p> <p>CHAIR: I am sorry. I thought you had.</p> <p>Senator WONG: Can you explain the delay? Are you able to do that now or do you need to take that question on notice?</p> <p>Mr Anderson: I do not have that information now. I will take it on notice.</p> <p>Senator WONG: Thank you.</p> <p>CHAIR: Thank you. Take it on notice because I am keen to finish the program.</p>  | 25 May 2017<br>77                              |
| BE17-084 | Attorney-General     | Administrative Appeals Tribunal | N/A            | O'Sullivan | Correspondence of advice between Deputy Division Head and Executive Officers | <p>Senator O'SULLIVAN: Are you aware of the contents of the email and whether there has been any reference to that? Have you sighted the email?</p> <p>Ms Leathem: Yes. I have.</p> <p>Senator O'SULLIVAN: Is there any reference to that?</p> <p>Ms Leathem: I believe there was.</p> <p>Senator O'SULLIVAN: So that went to the supervisor?</p> <p>Ms Leathem: They are not supervised because they are members. They are independent statutory officers.</p> <p>Senator O'SULLIVAN: So what is Ms O'Connell's position?</p> <p>Ms Leathem: She is a deputy division head.</p>   | 25 May 2017<br>80                              |

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|          |                      |                                 |                |            |   | <p>Senator O'SULLIVAN: So it went to a deputy division head. Can you tell us what Ms O'Connell did with that information?</p> <p>Ms Leathem: I understand that she forwarded it to an executive officer for advice about the procedure.</p> <p>Senator O'SULLIVAN: I ask you to take on notice to supply us with the correspondence between her and the executive officer.</p>   |  |
| BE17-085 | Attorney-General     | Administrative Appeals Tribunal | N/A            | O'Sullivan | Correspondence about request to remove decision | <p>Senator O'SULLIVAN: Does that not speak volumes that the executive officer had in their mind that this would be removed?</p> <p>Ms Leathem: I do not know what they had in their mind, I am sorry. I can only tell you what I understand.</p> <p>Senator O'SULLIVAN: Let us do this.</p> <p>Senator WONG: Let her finish her evidence before you start.</p> <p>Senator O'SULLIVAN: Of course. Are you finished? Do you have something else to say on that?</p> <p>Ms Leathem: I would like to concede that it was clearly an error. It was not consistent with our process. The decision has been restored to AustLII. We clearly need to tighten up procedure.</p> <p>Senator O'SULLIVAN: Would you be kind enough to, on notice, provide this committee with all the correspondence that relates to this—that is, the upward mails and the downward mails—so that we can ourselves make a determination of what is in them? Can you take that on notice?</p> <p>Ms Leathem: Yes.</p>  | 25 May 2017<br>81                              |
| BE17-086 | Attorney-General     | Administrative Appeals Tribunal | N/A            | O'Sullivan | Information section staffing                    | <p>Senator O'SULLIVAN: So the section that puts the publications up within the tribunal, would it be involved for certain if a decision had to be taken down?</p> <p>Ms Leathem: I might defer to Mr Matthies here, who manages the information section.</p> <p>Mr Matthies: Any request to remove a decision will be dealt with by that area.</p> <p>Senator O'SULLIVAN: And that is your area, Mr Matthies?</p> <p>Mr Matthies: That falls within my area.</p> <p>Senator O'SULLIVAN: When Ms O'Connell referred Ms Holmes's request in the email to Ms Redfern, did she correspond to someone within the section that you control?</p> <p>Mr Matthies: Well, my understanding—and I need to confirm this—is that an email was sent to the decision publication area.</p> <p>Senator O'SULLIVAN: That is the area that you control. How many personnel are in that area?</p> <p>Mr Matthies: I will have to take that on notice. I do not have those figures to hand.</p> <p>Senator O'SULLIVAN: You can give me a general number. You are the head of the department. Do you know how many staff work for you?</p> <p>Mr Matthies: I would say in that area it would be in the vicinity of six to seven people. But I would like to confirm that on notice.</p> | 25 May 2017<br>89                              |
| BE17-087 | Attorney-General     | Administrative Appeals Tribunal | N/A            | O'Sullivan | Confirmation of Assistant Director              | <p>Senator O'SULLIVAN: Who sent a further communique—</p> <p>Ms Leathem: To the publications team.</p> <p>Senator O'SULLIVAN: to Mr Matthies's section. Was the communique to Mr Matthies?</p> <p>Ms Leathem: No.</p> <p>Senator O'SULLIVAN: It was not. So it was to one of his subordinates?</p> <p>Ms Leathem: Mr Matthies manages many teams, of which that section is just one.</p> <p>Senator O'SULLIVAN: So is that section led by a team leader in the hierarchy of things?</p> <p>Mr Matthies: Yes. That section is led by an assistant director.</p> <p>Senator O'SULLIVAN: And the assistant director's name is?</p> <p>Mr Matthies: It is on an acting basis. It is Sametha Pullparin.</p> <p>Senator O'SULLIVAN: Well, relative to the date of this, 21 October 2016. Who would have been the assistant director on 21 October 2016?</p> <p>Mr Matthies: I would need to confirm, but I understand it would be Sandra Kerr.</p>   | 25 May 2017<br>92                              |
| BE17-088 | Attorney-General     | Administrative Appeals          | N/A            | O'Sullivan | Requests or trends on the volume of             | <p>Senator O'SULLIVAN: Sandra Kerr. So can I ask you, sir, would this be the proper protocol if there had been a decision taken? Let us assume that the processes were followed. We know they have not been. But if it went to Ms Kerr, would that be the proper line for that to happen? It would not come via you to remove a decision?</p>  | 25 May 2017                                    |

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|          |                      | Tribunal                                     |                |            | requests for decisions to be removed    | <p>Mr Matthies: No.</p> <p>Senator O'SULLIVAN: But that is not what the protocols call for. So it would go to the section head? Correct?</p> <p>Ms Leathem: Well, you have taken my only copy of the procedure manual.</p> <p>Senator O'SULLIVAN: Well, we are going to get you a copy of it back at the same time that I get it. Mr Matthies, in the scope of your knowledge here today—I am going to ask you to take this question on notice notwithstanding—when you have team meetings and team workshops and team arrangements, has the subject of removing decisions off the site ever been discussed amongst your team with you present?</p> <p>Mr Matthies: Not to my knowledge, no.</p> <p>Senator O'SULLIVAN: I imagine it would follow that you could not tell me of any other requests or a trend on volume of requests for decisions to be removed from the site?</p> <p>Mr Matthies: No. I would need to take that on notice.</p> <p>Senator O'SULLIVAN: Could you do that for me specifically? Let us use, so it does not become too burdensome at this stage, the last 30 months as the time frame. There would be records kept of that, Mr Matthies, if your team were to remove it, because the procedures allow for that?</p> <p>Mr Matthies: Yes.</p> | 93   |
| BE17-089 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.1            | Pratt      | Appointment of AAT members              | <p>Senator PRATT: We had one further question this evening. Senator Wong had wanted to note that, according to the current list of members of the AAT, just two of more than 160 members with responsibility in the migration division are legacy appointments by the former Labor government. The remainder were appointed by the Abbott Turnbull governments. Can you confirm whether that is correct?</p> <p>Senator Brandis: No. I do not know what the figures are.</p> <p>Senator PRATT: Ms Leathem, are you able to say?</p> <p>Ms Leathem: No. I am sorry. I do not know.</p> <p>Senator PRATT: Perhaps take it on notice. You might use as a reference the <i>Crikey</i> article from Monday, 22 May.</p>  | 25 May 2017<br>93                              |
| BE17-090 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.1            | Macdonald  | Requests to not publish Iranian matters | <p>CHAIR: I hear that. Okay. Senator Brandis, could I ask you, please, if you would refer this to the Minister for Foreign Affairs and see if the request for not publishing Iranian matters—which was made six years ago, I think?</p> <p>Ms Leathem: We did confirm it recently. So, periodically, it is checked with the department, and as recently as only last week they confirmed that was still their position.</p> <p>CHAIR: Okay. 'They' makes me assume you are talking to the department.</p> <p>Ms Leathem: Correct.</p> <p>CHAIR: I am asking the minister to ask the foreign minister, perhaps on notice, so he can tell the committee if that is still the direction of the foreign minister, or the government; and, if it is possible, why. I am not quite sure—</p> <p>Senator Brandis: Obviously, I will take that on notice and I will make that inquiry of the foreign minister.</p>  | 25 May 2017<br>99                              |
| BE17-091 | Attorney-General     | Administrative Appeals Tribunal              | N/A            | O'Sullivan | Email requesting removal of decision    | <p>Senator O'SULLIVAN: Coming back to you, Mr Matthies, have you seen the documents that have been tabled? Can you look at a copy of that? Do not mention any names for the moment, because I do not think that is significant. If I do want to refer to someone by name, rather than title, I will give them a false name. Could you look at the number of people there and tell me how many of them fall into your team?</p> <p>Mr Matthies: One.</p> <p>Senator O'SULLIVAN: Only one. And that would be the publication team leader?</p> <p>Mr Matthies: Correct.</p> <p>Senator O'SULLIVAN: But if you read the publication team leader's email, it says, 'I have sent an email requesting it be removed', which would suggest that in this case the team leader has sent it to give effect to the removal of the decision. So there is another person involved, I imagine; maybe someone who is a technician or an administrative assistant. Is that a fair comment?</p> <p>Mr Matthies: I would need to take that on notice, in terms of having sent an email, as to whether that was directly to AustLII or to another part of the AAT to then forward onto AustLII. I expect that the email would just be sent directly to AustLII.</p>                           | 25 May 2017<br>102                             |
| BE17-092 | Attorney-General     | Administrative Appeals                       | N/A            | Siewert    | Statistics relating to applications     | <p>Senator SIEWERT: In that case, could you give me that information on Centrelink debt?</p> <p>Mr Matthies: In the current financial year, to 30 April 2017, the number of applications relating to debt is 4,354.</p> <p>Senator SIEWERT: Is it possible to give me a comparison to the previous financial year?</p>  | 25 May 2017                                    |

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|          |                      | Tribunal                        |                |         | about Centrelink debt   | <p>Mr Matthies: In 2015-16, for the full financial year, there were 3,387.</p> <p>Senator SIEWERT: That is for the whole of the financial year?</p> <p>Mr Matthies: That is correct.</p> <p>Senator SIEWERT: There has been a significant increase, in that case, if this is for the first three quarters of the year.</p> <p>Mr Matthies: Yes.</p> <p>Senator SIEWERT: You may need to take this on notice, but are you able to give me a breakdown of those figures by the month, over the 2016-17 financial year?</p> <p>Mr Matthies: We would have to take that on notice.</p> <p>Senator SIEWERT: If you could, that would be appreciated, and perhaps if you could then give it—if it is fairly easy to pull out—by the month for the previous financial year, so I can see if there has been an increase. Also, I want to compare that to the previous financial year, because there may be particular months that there is an increase for anyway.</p> <p>Mr Matthies: Yes.</p>  | 108  |
| BE17-093 | Attorney-General     | Administrative Appeals Tribunal | N/A            | Siewert | Representation statistics in Centrelink Disability Support Pension and debt matters | <p>Senator SIEWERT: Thank you. In terms of the complexity of the cases for DSP, I have been told that there are a lot of people who are struggling with DSP and they need more advocacy support. Have you noticed that? Do you record that sort of information?</p> <p>Mr Matthies: We record information about representation but—</p> <p>Senator SIEWERT: How many of those had representation present? I am going to the DSP.</p> <p>Mr Matthies: I think we only have figures for the 2015-16 financial year.</p> <p>Senator SIEWERT: Do you have them so you could take it on notice for the current financial year?</p> <p>Mr Matthies: We can do that.</p> <p>Senator SIEWERT: That would be appreciated. So how many for 2015-16?</p> <p>Mr Matthies: For first review in 2015-16, 77 per cent of applicants were self-represented in DSP cases.</p> <p>Senator SIEWERT: That is for DSP. What about in the debt scenario?</p> <p>Mr Matthies: We do not have those figures to hand.</p> <p>Senator SIEWERT: Why is that? You do not record that information for debt?</p> <p>Mr Matthies: We do, but we would have to take on notice.</p>   | 25 May 2017<br>108-109                         |
| BE17-094 | Attorney-General     | Administrative Appeals Tribunal | N/A            | McKim   | Statistics relating to the IAA caseload   | <p>Senator McKIM: Okay. So if we can work in financial years and obviously year to date for the current year. How many reviews under section 473D of the act for the current year and for the previous year?</p> <p>Ms Haddad: For the current year to 30 April 2017, it is 20,184 and the previous year I can tell you the total since we started, which is 2,248. So it is about 300—</p> <p>Senator McKIM: Can you remind me when you started?</p> <p>Ms Haddad: We were officially created in April 2015, but we did not receive our first cases until October of that year.</p> <p>Senator McKIM: Do you keep data about how many interviews have been conducted as a part of those reviews?</p> <p>Ms Haddad: We do. I do not have it with me.</p> <p>Senator McKIM: Maybe I could put some questions to you and you can take them on notice.</p> <p>Ms Haddad: It would be a small number.</p> <p>Senator McKIM: That is the first question; then for the previous year and year to date. I am very happy to take them on financial years. Do you also breakdown whether the interviews are conducted over the phone or in person?</p> <p>Ms Haddad: Yes, we do.</p> <p>Senator McKIM: If you could provide the breakdown as well. Do you have figures on how many people have sought judicial review for those periods?</p> <p>Ms Haddad: Yes, I do. I can give it to you in a percentage. I have to find the actual numbers. Since the beginning, 66 per cent of IAA decisions have been appealed to the Federal Circuit Court.</p> <p>Senator McKIM: Could you take on notice to break those down?</p> <p>Ms Haddad: Certainly.</p> <p>Senator McKIM: Do you have monthly figures?</p> <p>Ms Haddad: I do.</p> <p>Senator McKIM: For the ones you take on notice, would you be able to provide the monthly breakdown?</p> <p>Ms Haddad: I can do that.</p> | 25 May 2017<br>109-110                         |

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|          |                      |                                 |                |            |  | <p>Senator McKIM: Do you keep a track of the outcomes of judicial appeals?<br/> Ms Haddad: We do.<br/> Senator McKIM: Do you have a global percentage with you?<br/> Ms Haddad: A very small number have been resolved. There are only 37 that have been resolved so far.<br/> Senator McKIM: How many of them were successful?<br/> Ms Haddad: Seventeen—I would have to check that, though.<br/> Senator McKIM: I am happy for you to take that on notice. Can you provide the outcomes of all the decisions, in the context that we are speaking about, made by the IAA broken down by nationality? Is that something that would be able to do?<br/> Ms Haddad: Yes, we can do.<br/> Senator McKIM: I am happy for you to take that on notice. Do you keep records around the number of people who receive legal assistance? I realise it is not your job to provide that.<br/> Ms Haddad: We record if someone has nominated another person to represent them, if you like. We record if they have nominated another person to be what is called their authorised recipient—to receive correspondence and do nothing more on their behalf.<br/> Senator McKIM: But not necessarily whether they have received any form of legal assistance?<br/> Ms Haddad: That is right. It is apparent sometimes from documents that we receive from applicants that they have had assistance in preparing those documents, but they have not formally nominated anyone to represent them. We can provide statistics but they will only take you so far.<br/> Senator McKIM: If you could provide those statistics, that would be great. What is the number of decisions since the commencement—I think you said your first referral was in October 2015—where the IAA has requested new information under section 473D? Do you have those figures?<br/> Ms Haddad: Where we have actually requested information from an applicant or a third party?<br/> Senator McKIM: Yes.<br/> Ms Haddad: No, I do not have that information.<br/> Senator McKIM: Do you keep it?<br/> Ms Haddad: We do keep it, yes.<br/> Senator McKIM: I would like that taken on notice and the answer broken down, if possible, by method of invitation: whether it was in writing, verbally requested at an interview or through the proceedings of the IAA. Also, if you could break that down by nationality, that would be helpful as well.<br/> Ms Haddad: We can probably do that. It is not something we normally keep statistics on, but I think we could probably interrogate.<br/> Senator McKIM: I do not want to create unnecessary burden. If it is a reasonable request, fulfil it; if not, please let us know.</p> |  |
| BE17-095 | Attorney-General     | Administrative Appeals Tribunal | N/A            | O'Sullivan | Number of AAT decisions published                                  | <p>Ms Leatham: This financial year to date, we have received 42,743.<br/> Senator O'SULLIVAN: We will work with that; I think that is a fair figure—42,000 to date?<br/> Ms Leatham: 42,743 up until the end—<br/> Senator O'SULLIVAN: Let's make it 43,000 amongst mates for before the end of the year. This might need some tolerances, but can you tell me how many cases in an average year are uploaded onto the website so that people can review the decisions?<br/> Ms Leatham: I think we have statistics or some figures on last year. In the Migration and Refugee Division in 2015-16, there were 2,009 decisions that were published, which is 12½ per cent of all their written decisions.<br/> Senator O'SULLIVAN: Okay. Can we keep going?<br/> Ms Leatham: I would have to take the rest on notice. That is the only data I have specifically for decision numbers, but we could certainly break it down by other—</p>  | 25 May 2017<br>110-111                         |
| BE17-096 | Attorney-General     | Administrative Appeals Tribunal | N/A            | O'Sullivan | Procedures for publishing Migration and Refugee Division decisions | <p>Ms Leatham: I just wanted to clarify that many of those decisions are straightforward decisions—for example, remitting a matter back to the department because there may have been information gathered. There is a question, with the sheer volume of numbers, as to how helpful it would be to publish all of those decisions when there are so many each year.<br/> Senator O'SULLIVAN: That is very useful, but my surgical, precise question to you is this. A case file is finished. Barry O'Sullivan is a member of the tribunal. I have completed my case file. It is now going to archives. Who makes the decision whether it goes over to our team leader—who, it could be argued, has a somewhat liberal view of this? Who makes the</p>  | 25 May 2017<br>112                             |

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|          |                      |                                 |                |            |   | <p>decision as to whether it goes to archives or it goes over to the team leader in publications?<br/>                     Ms Leatham: I could not answer that. I would have to take that on notice.<br/>                     Senator O'SULLIVAN: I beg your pardon, ma'am?<br/>                     Mr Matthies: We would need to take that on notice, Senator, to give you those kinds of—<br/>                     Ms Leatham: Accurate information about the micromanagement.<br/>                     Mr Matthies: And the level of detail.</p>  |  |
| BE17-097 | Attorney-General     | Administrative Appeals Tribunal | N/A            | O'Sullivan | Rationale for not publishing Social Services and Child Support Division decisions | <p>Senator O'SULLIVAN: Mr Matthies, I accept that it is a practice that has continued, and you can say no to my question. You are in charge of publications. Do you know the logic behind why they are not published?<br/>                     Mr Matthies: Those matters are all heard in private, so I expect that that is part of the rationale, but obviously I was not part of that previous tribunal to understand the full rationale behind that.<br/>                     Senator O'SULLIVAN: All right. I will ask you to take that on notice.</p>   | 25 May 2017<br>113-114                         |
| BE17-098 | Attorney-General     | Administrative Appeals Tribunal | N/A            | McKim      | Number of decisions made that consider new information                            | <p>Senator McKIM: Ms Haddad, I think I am back to you. This is the same cohort and decisions that we were speaking about before. Section 473DD provides, as I understand it, that the IAA must not consider new information unless satisfied that there are exceptional circumstances to justify that consideration. I am sorry; I may have asked you this during my last tranche of questions. Firstly, can you provide the number of decisions made since commencement that have considered new information—either on notice or now would be fine.<br/>                     Ms Haddad: I will have to see if we keep that data, partly because the question of what new information is is part of the decision process, so it may only appear in the reasons for decision.<br/>                     Senator McKIM: Could I ask you to take that on notice, please, and if possible to break that down by nationality, but obviously if you cannot provide the global figure you will not be able to do that. Thank you for that.</p>  | 25 May 2017<br>114                             |
| BE17-099 | Attorney-General     | Administrative Appeals Tribunal | N/A            | McKim      | Outcomes of IAA and AAT cases relating to UMAs                                    | <p>Senator McKIM: My understanding is that in the AAT the affirm rate—is that the terminology for decisions that are upheld, effectively?<br/>                     Ms Haddad: Yes.<br/>                     Senator McKIM: The AAT overall affirm rate for unauthorised maritime arrivals is 68 per cent—that is my understanding, or my advice—while the IAA overall affirm rate for unauthorised maritime arrivals is 82 per cent. Are those figures right?<br/>                     Ms Haddad: The 82 per cent is correct. I would have to check the other one.<br/>                     Senator McKIM: Do you have it with you? Just while you are looking, Ms Haddad, refresh my memory: did you say the 82 per cent was the correct figure?<br/>                     Ms Haddad: That is correct for the IAA.<br/>                     Senator McKIM: At the IAA; that is right. And the AAT overall rate, if you have it?<br/>                     Ms Haddad: I do not have the overall rate for UMA. I have the overall rate for UMA and non-UMA together.<br/>                     Senator McKIM: Okay, what is that?<br/>                     Ms Haddad: That is 12 per cent—sorry, the affirm rate?<br/>                     Senator McKIM: The affirm rate. So that would be 88, would it?<br/>                     Ms Haddad: 88 per cent, yes.<br/>                     Senator McKIM: Could you take on notice the AAT rate for UMAs?<br/>                     Ms Haddad: Yes, I think we can probably find it.</p> | 25 May 2017<br>114                             |
| BE17-100 | Attorney-General     | Administrative Appeals Tribunal | N/A            | McKim      | Outcomes of IAA cases and AAT cases relating to protection visas                  | <p>Senator McKIM: Ms Haddad, in case I have not asked for it – sorry, I have just asked for a lot of things – can I ask for this, please. Can I have the statistics on decision outcomes for the IAA on the one hand and the rest of the section 473D reviews in the AAT on the other hand – so the fast-track versus the standard cohort, if I can put it that way.<br/>                     Ms Haddad: So other protection visa cases?<br/>                     Senator McKIM: Yes, and the affirm rate for each, broken down by nationality if possible.<br/>                     Ms Haddad: I should point out or clarify that, earlier, the 88 per cent for the AAT affirm rate also includes cases where the applicant has withdrawn their application for review or where the tribunal has found there is no jurisdiction to conduct the review.<br/>                     Senator McKIM: So they are classified as affirms?<br/>                     Ms Haddad: Well, the figures I had were the set-asides, if you like – the 12 per cent. Everything else is not necessarily an affirm.</p>  | 25 May 2017<br>115                             |

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|          |                      |   |                |            |  | <p>Senator McKIM: Thank you. I appreciate that. I am happy to take the figures as set-asides if that would make it easier or more useful for us all.</p> <p>Ms Haddad: It is probably simpler.</p>  |  |
| BE17-101 | Attorney-General     | Administrative Appeals Tribunal               | N/A            | O'Sullivan | Breakdown of full time and part time members in Sydney | <p>Senator O'Sullivan: Can we try to break this down a bit further, Ms Leathem? I will draw myself a little map of Australia and see whether I can put some dots on the page. Let us start, if we can, with the 151 personnel of the migration and refugee division. Can I put dots on the page as to where they are located under this one divisional director, please?</p> <p>Ms Leathem: In New South Wales there are 70 members of the MRD.</p> <p>Senator O'Sullivan: When you say 'New South Wales', are they all based in metro Sydney?</p> <p>Ms Leathem: Yes. We only have the one office.</p> <p>Senator O'Sullivan: How are they made up between full time and part time?</p> <p>Ms Leathem: I have not got a breakdown of that. I know the full-time and part –time senior member numbers, the member classification nationally and numbers by state but I can take on notice and give you that breakdown.</p> <p>Senator O'Sullivan: Let's do that.</p>  | 25 May 2017<br>123                             |
| BE17-102 | Attorney-General     | Administrative Appeals Tribunal               | N/A            | O'Sullivan | Migration and Refugee Division Head visits to Perth    | <p>Senator O'Sullivan: Coming back to my original point, how many times would the division head make his or her way into Perth each year, for example?</p> <p>Ms Leathem: I would have to take that on notice. I could not give you a firm answer.</p> <p>Senator O'Sullivan: No sense of it? Let me put the question another way. Do they make a weekly or monthly visit?</p> <p>Ms Leathem: No. The division head would have a program of visits over a period of time.</p> <p>Senator O'Sullivan: My point is, do you think it would be more than half a dozen visits a year to Perth?</p> <p>Ms Leathem: No, I do not think it would be more than that.</p>   | 25 May 2017<br>125                             |
| BE17-103 | Attorney-General     | Administrative Appeals Tribunal               | N/A            | Macdonald  | Former members employed at the AAT                     | <p>Ms Leathem: I can think of at least one staff member who was, I think, originally a staff member and then was a member for a period of time.</p> <p>CHAIR: I am going the other way. Have they been members and now are not members but are working for the AAT? For example, have any of you at the table now ever been members of the AAT?</p> <p>Ms Leathem: No, we have not been, but there may well be people who have previously been members who had subsequently applied and gained employment at the tribunal. I would have to take that on notice.</p> <p>CHAIR: That was my next question: could you take on notice any people who have been actual members of the AAT—</p> <p>Ms Leathem: After their term has expired, whether they might work at the tribunal?</p> <p>CHAIR: Yes, as nonmembers but working at the tribunal.</p> <p>Ms Leathem: Sure.</p> <p>CHAIR: What is a reasonable time—five years?</p> <p>Ms Leathem: Sorry; what do you mean?</p> <p>CHAIR: Can you go back five years?</p> <p>Ms Leathem: Oh, go back that long. The difficulty is that the tribunal has only been in existence as a single amalgamated tribunal since July 2015, so we would probably only have human resource records for that long.</p> <p>CHAIR: Perhaps if you go back to there.</p> | 25 May 2017<br>127                             |
| BE17-104 | Attorney-General     | Australian Security Intelligence Organisation | N/A            | Watt       | Foreign fighters                                       | <p>Senator WATT: I think we are in no doubt as a result of yesterday's evidence that there is now a policy in place in relation to the Attorney-General's Department. My question was about the Commonwealth bureaucracy more broadly.</p> <p>Mr Lewis: I do not have any evidence in front of me to suggest that the information is not coming to us. I am not concerned about it.</p> <p>Senator WATT: I suppose that will be something that you will look at in the course of dealing with the report.</p> <p>Mr Lewis: Most certainly. That is one of the recommendations.</p> <p>Senator WATT: Regarding foreign fighters, is it the case that there is not anyone at the table who is able to advise how many people have been prosecuted under the foreign fighters legislation?</p> <p>Mr Lewis: I do not know.</p> <p>Senator WATT: Is there anyone here who does?</p> <p>CHAIR: Only if you know, Mr Lewis. It is a matter for the AFP.</p> <p>Ms Jones: We are happy to take it on notice.</p> <p>Senator Brandis: I am not sure what you mean by the foreign fighters legislation, Senator. What specific act do you mean?</p>  | 25 May 2017<br>133                             |

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|          |                      |  |                |         |   | <p>Senator WATT: I am talking about the Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014.</p> <p>Senator Brandis: Which particular provisions are you talking about?</p> <p>Senator WATT: I do not have the exact provision, but my understanding is that—</p> <p>Senator Brandis: What is the offence you are describing, I mean?</p> <p>Senator WATT: Any offence for undertaking military style action in a foreign land. We all know what this legislation is designed to achieve—it is to prevent Australians from fighting overseas. I am wondering whether anyone who has returned to Australia has been prosecuted under that legislation.</p> <p>Senator Brandis: Well, that is really a question for the DPP. I think you are confusing two things. There is the prohibition on Australians fighting in foreign civil wars which was uplifted from an older 1979 act of the Fraser government and modernised; and then there was, as well, the new offence of being in a declared area—an area declared by the Minister for Foreign Affairs—which does not require the person concerned to be engaged in military or hostile activity but merely being there without lawful excuse in the so-called no-go zone, and there are a series of exceptions like journalists et cetera. Are you talking about both of those offences?</p> <p>Senator WATT: Yes.</p> <p>Senator Brandis: I think it is best if we consult the CDPP. Certainly, the CDPP would be the person best placed to give you that information, particularly in relation to briefs of evidence that she may have received.</p> <p>Senator WATT: Happy to get the precise numbers taken on notice. Are you aware, Senator Brandis, whether anyone at all has been charged under either of those options?</p> <p>Senator Brandis: As I have said, I will take that on notice.</p> <p>Senator WATT: Okay.</p> |  |
| BE17-105 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | McKim   | CLC's Telephone Interpreter Services                  | <p>Many CLCs rely on Telephone Interpreter Services (TIS) to assist clients. It is not clear what provision there is for TIS moving forward.</p> <p>What funding, if any, under this source of funding is available for Telephone Interpreter Services? What is the Commonwealth doing to ensure people who do not speak English as their first language are able to access legal advice/assistance?</p>  | Written  |
| BE17-106 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | McKim   | Collaborative service planning                        | <p>How much Commonwealth funding has been provided for collaborative service planning processes in each jurisdiction? How is it progressing in each jurisdiction?</p> <p>What is the Commonwealth doing to ensure there is access to evidence around legal need for the purposes of informing collaborative service planning and funding decisions?</p>   | Written  |
| BE17-107 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | McKim   | National Partnership                                  | <p>Under the National Partnership Agreement funding is specifically and separately allocated for Legal Aid Commissions and Community Legal Centres. The South Australian Government is currently in the process of implementing a centralised system for legal assistance where the Legal Services Commission will control eligibility assessment, triage and referral of clients. We understand a MOU has been signed between the SA Government and Legal Services Commission. Does the Government have a view on whether the SA Government is permitted to provide Commonwealth funding allocated to CLCs to the Legal Services Commission for the purposes of this new centralised system?</p>   | Written  |
| BE17-108 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Lambie  | Superannuation and payments to former defence members | <p>Can the Attorney General please confirm that Class A and Class B Military Superannuation benefits which are paid to wounded, injured or ill veterans may be ceased or modified, based on the recovery of the veteran, up to the age of 55.</p> <p>The Family Law Act 1975 allows an eligible person to request Commonwealth Superannuation Corporation (CSC) to provide certain information about a Member's superannuation account via a Family Law Court Form 6 declaration. Can the Attorney General please confirm that the information requested in relation to an Invalidity Military Superannuation recipient is the same as information requested in relation to a person in receipt of a lifetime benefit.</p> <p>Can the Attorney General please confirm that the Superannuation Complaints Tribunal (SCT) applied the determination – Family Law (Superannuation) (Provision of Information – [Fund] ) Amendment Determination 2016 as registered in the Federal Register of legislation on 15 November 2016. Has this action has ensured that an Invalidity payment has been</p>   | Written  |

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|          |                      |   |                |          |  | <p>treated in the same way as a lifetime benefit.</p> <p>Can the Attorney General confirm that a Military Superannuation Invalidity payment is a pension as defined in Reg 1.06 para 9A of the Superannuation Industry (Supervision) Regulations 1994.</p> <p>Can the Attorney General please confirm the following information:</p> <p>a. The number of former defence members who are currently in receipt of invalidity payments under MSBS – numbers to be provided according to Class A and Class B classification.</p> <p>b. How many reviews (on average) are conducted per year in relation to the medical status of Class A and Class B recipients</p> <p>c. How many Invalidity Reviews have been conducted since 2005</p> <p>d. How many members have had their classifications reduced as a result of these reviews</p> <p>e. How many Family Law Court Form 6 declarations have been processed through the Commonwealth Superannuation Corporation (and applicable to MSBS) since 2005.</p>   |  |
| BE17-109 | Attorney-General     | Australian Human Rights Commission            | N/A            | Abetz    | Staffing   | <p>Budget papers show that the Human Rights Commission has grown to 116 positions – 5 additional staff is that correct? I understand that these staff are returning from a secondment. Have these positions been vacant over that period? If the Commission has been operating without them for such a period doesn't that demonstrate there is capacity for the Commission to reduce itself in size?</p> <p>Can you provide a breakdown of what these 116 staff do?</p>   | Written  |
| BE17-110 | Minister for Justice | Australian Federal Police                     | N/A            | Reynolds | Investigations of Australians in Iraq and Syria              | <p>Is the AFP undertaking investigations into Australians perpetrating sexual violence as war crimes, crimes against humanity and genocide in Iraq and Syria?</p> <p>If not, why not?</p> <p>If yes, are these investigations being considered in decisions around revoking of citizenship?</p>  | Written  |
| BE17-111 | Attorney-General     | Civil Law Unit                                | 1.4            | Siewert  | Criminal justice system and people with cognitive disability | <p>At Australia's Universal Periodic Review appearance before the Human Rights Council in November 2015, Australia announced a commitment to improve the way the criminal justice system treats people with cognitive disability who are unfit to plead or found not guilty by reason of mental impairment. Draft National Principles were presented to the working group in November 2016.</p> <p>a) Can the Department report on progress towards the collation of existing data across jurisdictions and development of resources for national use on the treatment of people with mental and/or cognitive disability unfit to plead or found not guilty by reason of mental aligned with independent impairment?</p> <p>b) Will the process allow for community consultation on the development of these National Principles?</p> <p>c) When will this work be made publicly available?</p> <p>Is the Commonwealth aware of any actions of the Northern Territory Government and its Departments of Health and Corrections to ensure that rather than being detained in prisons, people with cognitive disabilities are receiving support services that are professional advice and proper behavioral and disability practice?</p> <p>What measures are being taken to ensure the voices of people with cognitive disabilities are being heard by Government and that uncompromised and independent advocacy will exist on their behalf?</p> | Written  |
| BE17-112 | Attorney-General     | Australian Security Intelligence Organisation | N/A            | Hanson   | Australian Security Intelligence Organisation information    | <p>(a) In an Essential Survey reported in September 2016, 49% of respondents wanted a ban on further immigration from Islamic countries and cited terrorism as one of three reasons. The Holsworthy Barrack Attack, the Sydney Hostage Crisis at the Lindt cafe and 2015 Parramatta Shooting (and further unknown number of attacks foiled by the police) all related to the children of refugees. How many attacks foiled by ASIO/police involve refugees or their children? How many attacks foiled by ASIO/police involve the second generation of people who settled here under the points system? In which countries did the parents come from?</p>   | Written  |
| BE17-113 | Attorney-General     | Australian Security Intelligence              | N/A            | Hanson   | Radicalisation in Australia                                  | <p>(a) The public has recently become aware of a number of schools, said to be 15 to 20 in Sydney where radicalisation of young Muslim men is an issue. In the case of Punchbowl High School the police liaison officers were excluded from the school. What is ASIO doing to ensure second generation children of parents, who migrated here from Islamic Countries ,are</p>  | Written  |

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|---|----------------------|--|----------------|-----------------|--|---|--|---------|---------|---------|---------|---------|---|--|--|--|--|--|----------------------------------|-------|-------|--------|-------|-------|-----------------------------|---|---|-----|---|---|--|-------|-------|-------|-------|-------|-----------------------------------|--------|--------|--------|--------|--------|---|-------|-------|-------|-------|-------|---|-------|-----|---|---|---|---------|
|   |                      | Organisation                                 |                |                 |  | <p>being integrated into society and not becoming radicalised?</p> <p>(b) Second generation Muslims in Australia are the source of home grown terrorism. What is ASIO doing to address this problem?</p> <p>(c) Janet Albrechtsen in her article ‘Enough-it is time for us to get angry’ published in the Weekend Australian May 27-28, cites the Coroner in NSW who says the immigration system, the court system and senior policing failed ordinary people at the Lindt Café. When will ASIO do something the systemic failures, which allow second generation children (who see our way of life as a threat to Islam) to terrorise Australians.</p> <p>(d) What has ASIO done to stop hate preaching in Australian mosques?</p> <p>(e) What is ASIO doing about access to Islamic hate sites available in Australia. It was reported that 350,000 Muslim Australians are face-book followers of Yusha Evans recently invited to Australia by the Australian Imans Council. What is ASIO’s policy towards these hate sites and how can Australians feel safe when 350,000 Muslims are followers of a hate preacher?</p>  |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| BE17-114  | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Kakoschke-Moore | Community Legal Services Program funding | <p>1. The Community Legal Services Program within the Attorney-General’s Portfolio contains funding over the forward estimates.</p> <ul style="list-style-type: none"> <li>• What does the \$8.989 in 17-18 include?</li> <li>• What does the \$10.185 in 18-19 include?</li> <li>• What does the \$2.991 million 19-20 include and why is there a significant cut from the previous year?</li> <li>• What does the \$3.179 in 20-21 include and why is there a significant cut from previous years?</li> </ul> <p>(See Table below)</p> <table border="1"> <caption>Program 1.4: Justice Services</caption> <thead> <tr> <th>Administered expenses</th> <th>2017-18</th> <th>2018-19</th> <th>2019-20</th> <th>2020-21</th> <th>2021-22</th> </tr> </thead> <tbody> <tr> <td>Ordinary annual services (Appropriation Bill No. 1)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Community Legal Services Program</td> <td>8,016</td> <td>8,989</td> <td>10,185</td> <td>2,991</td> <td>3,179</td> </tr> <tr> <td>Courts and tribunals reform</td> <td>–</td> <td>–</td> <td>150</td> <td>–</td> <td>–</td> </tr> <tr> <td>Expensive Commonwealth Criminal Cases Fund</td> <td>4,610</td> <td>3,675</td> <td>3,722</td> <td>3,769</td> <td>3,799</td> </tr> <tr> <td>Family Court of Western Australia</td> <td>13,708</td> <td>13,991</td> <td>14,188</td> <td>14,355</td> <td>14,469</td> </tr> <tr> <td>Financial assistance towards legal costs and related expenses</td> <td>3,080</td> <td>3,316</td> <td>3,357</td> <td>3,398</td> <td>3,425</td> </tr> <tr> <td>Financial assistance towards legal costs and related expenses—expenses for witnesses to the Royal Commission into Institutional Responses to Child Sexual Abuse</td> <td>5,940</td> <td>660</td> <td>–</td> <td>–</td> <td>–</td> </tr> </tbody> </table> <p><i>Attorney-General’s Portfolio, Portfolio Budget Statement, Budgeted Expenses for Outcome 1, Page 19</i></p> <p>2. The Community Legal Services Program has been revised to be delivered as a nationally focused discretionary grants program, administered by the Attorney-General’s Department, and managed outside the National Partnership Agreement on Legal Assistance Services. Applications are currently open for the program.</p> <p>a. How much funding is available for this round; and</p> <p>b. For the grants program over the forward estimates?</p> | Administered expenses                          | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | Ordinary annual services (Appropriation Bill No. 1) |  |  |  |  |  | Community Legal Services Program | 8,016 | 8,989 | 10,185 | 2,991 | 3,179 | Courts and tribunals reform | – | – | 150 | – | – | Expensive Commonwealth Criminal Cases Fund | 4,610 | 3,675 | 3,722 | 3,769 | 3,799 | Family Court of Western Australia | 13,708 | 13,991 | 14,188 | 14,355 | 14,469 | Financial assistance towards legal costs and related expenses | 3,080 | 3,316 | 3,357 | 3,398 | 3,425 | Financial assistance towards legal costs and related expenses—expenses for witnesses to the Royal Commission into Institutional Responses to Child Sexual Abuse | 5,940 | 660 | – | – | – | Written |
| Administered expenses   | 2017-18              | 2018-19                                      | 2019-20        | 2020-21         | 2021-22                                  |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| Ordinary annual services (Appropriation Bill No. 1)   |                      |  |                |                 |  |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| Community Legal Services Program  | 8,016                | 8,989  | 10,185         | 2,991           | 3,179                                    |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| Courts and tribunals reform   | –                    | –  | 150            | –               | –  |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| Expensive Commonwealth Criminal Cases Fund  | 4,610                | 3,675  | 3,722          | 3,769           | 3,799                                    |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| Family Court of Western Australia   | 13,708               | 13,991                                       | 14,188         | 14,355          | 14,469                                   |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| Financial assistance towards legal costs and related expenses   | 3,080                | 3,316  | 3,357          | 3,398           | 3,425                                    |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| Financial assistance towards legal costs and related expenses—expenses for witnesses to the Royal Commission into Institutional Responses to Child Sexual Abuse | 5,940                | 660  | –              | –               | –  |   |  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |
| BE17-115  | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Kakoschke-Moore | Interpreting services                    | <p>Many CLCs rely on Telephone Interpreter Services (TIS) to assist clients. It is not clear what provision there is for TIS moving forward.</p> <p>a. What funding, if any, under this source of funding is available for Telephone Interpreter Services?</p> <p>b. What is the Commonwealth doing to ensure people who do not speak English as their first language are able to access legal advice/assistance?</p>   | Written  |         |         |         |         |         |   |  |  |  |  |  |                                  |       |       |        |       |       |                             |   |   |     |   |   |  |       |       |       |       |       |                                   |        |        |        |        |        |   |       |       |       |       |       |   |       |     |   |   |   |         |

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| Q No.    | Responsible Minister | Division or Agency                           | Program number | Senator         | Subject  | Question   | Hearing Date and Proof Hansard Page or Written |
|----------|----------------------|--|----------------|-----------------|--|--|--|
| BE17-116 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Kakoschke-Moore | Media release 17 May 2017 'Improving family violence support in family law courts' | <b>In the Attorney-General's media release from the 17<sup>th</sup> of May, it notes that more supports are available for victims of DV in the courts.</b><br>a. Which South Australian courts will be receiving more assistance?<br>b. How many new positions have been created?<br>What will those positions be? Lawyers or social workers?  | Written  |
| BE17-117 | Minister for Justice | Australian Federal Police                    | N/A            | Kakoschke-Moore | Illicit tobacco  | <b>In the last 10 years, how many investigations into illicit tobacco has AFP conducted?</b><br><b>Have you seen an increase in illicit tobacco investigations over the last five years?</b><br><b>How many of those investigations have resulted in arrests?</b><br><b>How many of those arrests have resulted in people being charged with offences related to illicit tobacco?</b><br><b>Of those investigations, are you able to tell me how many have been focused on, or included molasses tobacco?</b>  | Written  |
| BE17-118 | Minister for Justice | Australian Federal Police                    | N/A            | Kakoschke-Moore | Molasses tobacco   | <b>We heard evidence from Border Protection this week that molasses tobacco is a growing concern. Does AFP believe molasses tobacco has been imported illegally?</b><br><b>Has the AFP noticed a recent increase in investigations into molasses tobacco?</b><br><b>Border Security believe that illegal importation of molasses tobacco is funding 'nefarious behaviour' internationally. Does AFP hold this belief?</b><br><b>Have there been investigations conducted into connections between molasses tobacco and organised crime or known terrorism syndicates?</b>  | Written  |
| BE17-119 | Minister for Justice | Australian Federal Police                    | N/A            | Kakoschke-Moore | Human trafficking / Labour trafficking   | <b>When people think of human trafficking often they think of trafficking into the sex industry. Does this reflect the nature of trafficking in Australia today?</b><br><b>What resources have been directed to address these rising concerns?</b><br><b>What resources have been directed to improve communication between relevant agencies, including the fair work commission and other employment and industrial bodies noting the change in types of trafficked people?</b>  | Written  |
| BE17-120 | Minister for Justice | Australian Federal Police                    | N/A            | Kakoschke-Moore | Cyber sex trafficking  | <b>Has the AFP noticed a recent increase in the issue of Australians involved with cyber sex trafficking?</b><br><b>How many investigations has AFP conducted into cyber sex trafficking?</b><br><b>How many referrals a month do AFP make to international agencies in regards to cyber sex trafficking crimes?</b><br><b>What sections of the criminal code do you routinely prosecute cyber sex trafficking under?</b><br><b>How do you charge people who have commissioned cyber sex or cyber sex trafficking?</b><br><b>is the AFP of the opinion that it would be easier to investigate cyber sex trafficking if it was placed on the national agenda ?</b><br><b>Would the AFP find it useful if cyber sex trafficking offences were included within the Bali process?</b><br><b>What issues does the AFP have when investigating cyber sex crimes? What changes would they suggest would increase their ability to successfully charge people with cyber sex crimes?</b> | Written  |
| BE17-121 | Attorney-General     | Strategy and Delivery Division               | 1.1            | Bilyk           | Ministerial functions  | <b>In relation to any functions or official receptions hosted by Ministers or Assistant Ministers in the portfolio since 1 March 2017, can the following please be provided:</b><br>• List of functions;<br>• List of attendees including departmental officials and members of the Minister's family or personal staff;<br>• Function venue;<br>• Itemised list of costs (GST inclusive);<br>• Details of any food served;<br>• Details of any wines or champagnes served including brand and vintage; and<br>• Details of any entertainment provided.  | Written  |
| BE17-122 | Attorney-General     | Corporate Services Division                  | 1.1            | Bilyk           | Departmental functions   | <b>In relation to expenditure on any functions or official receptions etc hosted by the Department or any agencies within the portfolio since 1 March 2017, can the following please be provided:</b><br>• List of functions;<br>• List of attendees;<br>• Function venue;<br>• Itemised list of costs (GST inclusive);<br>• Details of any food served;<br>• Details of any wines or champagnes served including brand and vintage; and   | Written  |

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| Q No.    | Responsible Minister | Division or Agency                              | Program number | Senator | Subject                   | Question   | Hearing Date and Proof Hansard Page or Written |
|----------|----------------------|---|----------------|---------|---------------------------|--|--|
|          |                      |   |                |         |                           | <ul style="list-style-type: none"> <li>Details of any entertainment provided.</li> </ul>   |  |
| BE17-123 | Attorney-General     | Information Division                            | 1.1            | Bilyk   | Laptops                   | <p>How many laptops are currently on issue to staff of the Department and agencies in the portfolio?<br/>           Can an itemised list showing make and model please be provided?<br/>           How many new laptops were purchased by the Department and agencies in the portfolio in calendar year 2016?<br/>           What was the total cost (GST inclusive) of purchasing laptops for staff of the Department and agencies in the portfolio in calendar year 2016?<br/>           How many laptops did the Department and agencies in the portfolio have to be replaced due to damage in calendar year 2016? What was the cost of replacement (GST inclusive)?<br/>           How many laptops were reported lost or stolen in calendar year 2016? What was the cost of replacement (GST inclusive)?</p>  | Written  |
| BE17-124 | Attorney-General     | Corporate Services Division                     | 1.1            | Bilyk   | Executive office upgrades | <p>Have the furniture, fixtures or fittings of the Secretary's office, or the offices of any Deputy Secretaries, been upgraded since 1 March 2017? If so, can an itemised list of costs please be provided (GST inclusive)?</p>  | Written  |
| BE17-125 | Attorney-General     | Corporate Services Division                     | 1.1            | Bilyk   | Facilities upgrades       | <p>Have the facilities of any of the Department's premises been upgraded since 1 March 2017, for example, staff room refurbishments, kitchen refurbishments, bathroom refurbishments, the purchase of any new fridges, coffee machines, or other kitchen equipment?<br/>           If so, can a detailed description of the relevant facilities upgrade please be provided together with an itemised list of costs (GST inclusive)? Can any photographs of the upgraded facilities please be provided?</p>   | Written  |
| BE17-126 | Attorney-General     | Strategy and Delivery Division                  | 1.1            | Bilyk   | Vacancies                 | <p>Please provide a list of all statutory, board and legislated office vacancies and other significant appointments vacancies within the portfolio, including length of time vacant and current acting arrangements.</p>   | Written  |
| BE17-127 | Attorney-General     | Corporate Services Division                     | 1.1            | Bilyk   | Credit cards              | <p>How many credit cards are currently on issue for staff in the Department and agencies within the portfolio? If possible, please provide a break-down of this information by APS/ SES level.<br/>           What was the value of the largest reported purchase on a credit card in calendar year 2016 and what was it for?<br/>           How much interest was paid on amounts outstanding from credit cards in calendar year 2016?<br/>           How much was paid in late fees on amounts outstanding from credit cards in calendar year 2016?<br/>           What was the largest amount outstanding on a single card at the end of a payment period in calendar year 2016 and what was the card holder's APS/ SES level?<br/>           How many credit cards were reported as lost or stolen in calendar year 2016 and what was the cost of their replacement?<br/>           How many credit card purchases were deemed to be illegitimate or contrary to agency policy in calendar year 2016? What was the total value of those purchases? How many purchases were asked to be repaid on that basis in calendar year 2016 and what was the total value thereof? Were all those amounts actually repaid? If no, how many were not repaid, and what was the total value thereof?<br/>           What was the largest purchase that was deemed illegitimate or contrary to agency policy and asked to be repaid in calendar year 2016, and what was the cardholder's APS/ SES level? What that amount actually repaid, in full? If no, what amount was left unpaid?<br/>           Are any credit cards currently on issue in the Department or agencies within the portfolio connected to rewards schemes? Do staff receive any personal benefit as a result of those reward schemes?<br/>           Can a copy of the Department's staff credit card policy please be provided?</p> | Written  |
| BE17-128 | Minister for Justice | Criminal Justice Policy and Programmes Division | 1.1            | Bilyk   | Policy commitments        | <p>For each of the Government policy commitments listed below:</p> <ul style="list-style-type: none"> <li>Has funding contracts for these projects been signed between the Commonwealth and the recipients? If yes, can a copy of the agreement please be provided?</li> <li>Have recipients received promised federal funding in full?</li> <li>Have the projects commenced?</li> <li>Have the projects been completed? If no, what is the expected completion date?</li> <li>Can an itemised list of additional costs to the commonwealth related to these projects in excess of the dollar figure previously announced by the Government please be provided?</li> </ul> <p>List of Government policy commitments</p>  | Written  |

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|----------|----------------------|---|----------------|----------------|------------------|---|--|
|          |                      |   |                |                |                  | <ul style="list-style-type: none"> <li>• 33 CCTV cameras at Hawkesbury shopping centre worth \$254,000.</li> <li>• 30 CCTV cameras in Leura worth \$120,000.</li> <li>• CCTV - New Norfolk worth \$48,000.</li> <li>• CCTV Primrose Sands worth \$20,000.</li> <li>• CCTV cameras at Kingsway Regional Sports Complex in Madeley worth \$207,000.</li> <li>• CCTV in Beechboro, Kiara, Lockridge worth \$500,000.</li> <li>• CCTV - Mills Park in Beckenham worth \$80,000.</li> <li>• CCTV in Belgrave worth \$84,500.</li> <li>• CCTV in locations including Dandenong, Hampton Park and Frankston worth \$1,300,000.</li> <li>• CCTV under Safer Communities projects in Logan worth \$525,000.</li> <li>• CCTV in Kallangur worth \$30,000.</li> <li>• CCTV cameras in Grafton worth \$200,000.</li> </ul>  |  |
| BE17-129 | Attorney General     | Attorney-General's Department and all Portfolio Agencies (Strategy and Delivery Division) | N/A            | Farrell        | Market research  | <p>For all departments and agencies of the Attorney-General's portfolio<br/> For the 2016-17 financial year, what was the total amount spent by the Department/Agency on market research (either as a whole contract or as part of a contract)?<br/> For each contract for market research in 2016/2017, can you please provide:</p> <ol style="list-style-type: none"> <li>1. The subject of the market research;</li> <li>2. The supplier;</li> <li>3. Whether the supplier has been engaged previously and if so, for which contracts;</li> <li>4. The total value of the contract;</li> <li>5. The term of the contract (time);</li> <li>6. The date that the decision was taken to seek market research on the topic;</li> <li>7. The date the contract was opened to tender or selection process;</li> <li>8. The date the supplier was engaged;</li> <li>9. Whether the contract was subject to a tender process, including whether there was a full, partial or closed tender process;</li> <li>10. Does the supplier exist on a pre-approved supplier list, if so, when were they added to that list;</li> <li>11. Whether the Minister, or the Minister's Office, requested that the research be conducted;</li> <li>12. Whether the Minister approved the decision to conduct market research;</li> <li>13. Whether the Minister approved the contract with the supplier;</li> <li>14. Whether the Minister or the Minister's office was consulted on questions asked;</li> <li>15. Whether the Minister or the Minister's office received a copy of the market research;</li> <li>16. If the decision to conduct research was initiated by the department or agency, was the Minister or their office consulted before the decision was taken to conduct research, if so – in what form did that consultation take (written, verbal other);</li> <li>17. If the decision to conduct research was initiated by the department or agency, did Minister or their office make any amendments or changes to the Department's proposal for market research to be conducted, if so, what changes and to what aspects were they made;</li> <li>18. At any stage in the life of the proposal to conduct market research were other departments or agencies consulted?</li> <li>19. At any stage in the life of the proposal to conduct market research were other Ministers, or the Prime Minister consulted?</li> <li>20. At any stage in the life of the proposal to conduct market research did the expected cost change, if so how?</li> <li>21. At any stage in the life of the proposal to conduct market research did the scope, questions or supplier of the research change?</li> <li>22. Have any topics or questions of market research been conducted and subsequently conducted again by the same or different supplier?</li> </ol> | Written  |
| BE17-130 | Attorney General     | Office of the Australian  | N/A            | Stirling Griff | My Health Record | <ol style="list-style-type: none"> <li>1. How many complaints has the OAIC received regarding My Health Record, and what did they relate to (please provide breakdown according to categories/themes)? <ol style="list-style-type: none"> <li>a. What was the OAIC response to these complaints?</li> </ol> </li> </ol>   | Written  |

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|----------|----------------------|---|----------------|----------------|--|--|--|
|          |                      | Information Commissioner                          |                |                |  | 2. Is the OAIC aware of any data breaches or hacking attempts to date relating to My Health Record?<br>a. If so, please detail the nature of these and when they occurred.   |  |
| BE17-131 | Attorney General     | Office of the Australian Information Commissioner | N/A            | Stirling Griff | Mandatory data notifications   | 1. Please outline the education and outreach the OAIC is planning and/or conducting to help relevant businesses and organisations prepare for the start of the mandatory data breach notification scheme in February.<br>a. Please provide any guides, guidelines or other educational material your office has produced to date.  | Written  |
| BE17-132 | Minister for Justice | Emergency Management Australia                    | 1.8            | Rice           | Cyclone Debbie Emergency Funding   | When was the Commonwealth first asked by the Queensland Government to grant access to Category C funding under the Commonwealth-State Natural Disaster Relief and Recovery Arrangements for Queensland primary producers affected by Cyclone Debbie?<br>What did the Commonwealth finally grant access to Category C funding for Queensland primary producers?<br>How much of this funding has been applied for so far for primary producers impacted by Cyclone Debbie?<br>How much of this funding has been granted so far for primary producers impacted by Cyclone Debbie?<br>Does the Department provide assistance to potential applicants in informing them about the funding stream and/or helping them assess damage to their assets?<br>What is the total funding available for disaster relief AND is there a contingency fund or commitment to a contingency fund from the minister in the event that the existing funding is fully used up?   | Written  |
| BE17-133 | Attorney General     | Civil Justice Policy and Programmes Division      | 1.4            | Xenophon       | Consideration of judicial statement in <i>Melbourne Steamship Co Ltd v Moorehead</i> | In the context of a discussion at Estimates hearings on having equal Commonwealth resourcing on both sides of a test case question, the Attorney stated:<br><i>No, I am not thinking about that. What I am thinking about is protecting the legal position of the Commonwealth. The Attorney-General's responsibility is, in any litigation in which the Commonwealth is involved, to do its best to protect the legal position of the Commonwealth.</i><br>How is this statement balanced with the judicial statement by High Court Chief Justice Griffith in the 1912 case <i>Melbourne Steamship Co Ltd v Moorehead</i> (1912) 15 CLR 333 (21 October 1912), when he judicially pronounced:<br><i>I am sometimes inclined to think that in some parts—not all—of the Commonwealth, the old-fashioned traditional, and almost instinctive, standard of fair play to be observed by the Crown in dealing with subjects, which I learned a very long time ago to regard as elementary, is either not known or thought out of date. I should be glad to think that I am mistaken.</i> | Written  |
| BE17-134 | Minister for Justice | Office of International Law                       | 1.2            | McKim          | Complaints filed in the International Criminal Court                                 | Is the Government aware of a complaint filed in the International Criminal Court by Refugee Action Collective Victoria naming former Prime Minister Tony Abbott MP, Prime Minister Malcolm Turnbull MP, former Minister for Immigration Scott Morrison MP, Minister for Immigration Peter Dutton MP and Attorney General Senator George Brandis QC?<br>1. Has the government or any of the Ministers or former Ministers received any formal or informal notification of the complaint from the International Criminal Court?<br>2. If so, please provide copies of any notification(s).<br>3. Has the government or any of the Ministers or former Ministers responded to any notification(s) from the International Criminal Court?<br>4. If so, please provide copies of any submissions or correspondence to the International Criminal Court from the government or any of the Ministers or former Ministers which relate to the above complaint.   | Written  |
| BE17-135 | Attorney General     | Office of the Australian Information Commissioner | N/A            | Rhiannon       | Resourcing of the OAIC   | 1. What provisions have been made in the budget or elsewhere to adequately resource the OAIC so it can:<br>(a) discharge its statutory functions?<br>(b) implement the OGP NAP commitments?<br>2. If provisions have been made to adequately resource the OAIC please detail them.<br>3. Is it proposed to appoint an individual to each of the three independent statutory Commissioner roles in 2017-8?<br>(a) If not, why not?<br>(b) If not when do you anticipate the appointments will be made?<br>4. If no appointment is made is that a breach of:<br>(a) commitment made in the NAP?<br>(b) Australia's commitment as a participating nation of the OGP?  | Written  |

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|----------|----------------------|---|----------------|-----------------|-------------------------------------|--|--|
|          |                      |   |                |                 |                                     | <p>5. For the financial year 2017-8:</p> <p>(a) how much of the OAIC budget will be spent on</p> <ul style="list-style-type: none"> <li>• its privacy functions</li> <li>• Its FOI functions</li> </ul> <p>(b) How many OAIC staff will be employed in its</p> <ul style="list-style-type: none"> <li>• privacy functions</li> <li>• FOI functions</li> <li>• Implementing NAP commitments</li> </ul> <p>(c) How many FOI staff and how many Privacy staff will be engaged in Implementing NAP commitments</p> <p>(d) What additional funding and other resourcing will be provided for Implementing NAP commitments in 2017-8 and what will be its source(s)?</p> <p>6. Will the government be able to honour the commitment made in the E NAP that “The Government is committed to ensuring the adequate resourcing of the OAIC to discharge its statutory functions ...”?</p> <p>(a) Considering that under the E NAP the government has given the OAIC some five additional functions, how are these to be funded and staffed without withdrawing money and staff from the FOI and/or Privacy statutory functions?</p> <p>(b) If money and/or staff are withdrawn from the FOI and/or privacy statutory functions would that be a breach of the commitment made in the E NAP ?</p> |  |
| BE17-136 | Attorney General     | Office of the Australian Information Commissioner | N/A            | Rhiannon        | Mandatory data breach notifications | <p>1. Considering the Office of the Australian Information Commissioner has extra responsibilities starting in February 2018 when mandatory data breach notification requirements will cover all entities that come under the Privacy Act:</p> <p>(a) what extra resources have been allocated fund this work?</p> <p>(b) Will additional staff be allocated? If so how many? If not, why not?</p> <p>2. Are reports on their investigations released as the Office determines or are there requirements on the Office to produce reports with regularity?</p> <p>(a) If it is the later how often are reports to be released?</p> <p>3. Considering a report was released in 2012 and another in 2014 when will the next report be released?</p>  | Written  |
| BE17-137 | Minister for Justice | Australian Federal Police                         | N/A            | Rhiannon        | MP and Staff authorisation orders   | <p>(a) Can the AFP disclose how many members of the federal parliament have been or are the subject of warrants or emergency authorisation orders for surveillance? If you can disclose, how many are there? If you cannot disclose why can't you disclose? Please supply data for the last ten years and since the last federal election.</p> <p>(b) Can the AFP disclose how many members of staff of federal parliamentarians have been or are the subject of warrants or emergency authorisation orders for surveillance? If you can disclose, how many are there? If you cannot disclose why can't you disclose? Please supply data for the last ten years and since the last federal election.</p> <p>(c) Can the AFP disclose how many people employed within the federal parliament building have been or are the subject of warrants or emergency authorisation orders for surveillance? If you can disclose, how many are there? If you cannot disclose why can't you disclose? Please supply data for the last ten years and since the last federal election.</p>   | Written  |
| BE17-138 | Minister for Justice | Australian Federal Police                         | N/A            | Rhiannon        | One Nation profiteering             | <p>On 23 May 2017 there were media reports that the Prime Minister was considering a police investigation into One Nation following the leaking of a recording where Senator Pauline Hanson is heard speaking to her chief of staff about how illegal profits could be made out of the coming federal election.</p> <p>(a) Did Mr Turnbull receive advice from the AFP?</p> <p>(b) Is the AFP conducting an investigation into this matter?</p>  | Written  |
| BE17-139 | Minister for Justice | Criminal Justice Policy and Programmes Division   | 1.2            | Kakoschke-Moore | Human Trafficking                   | <p>When people think of human trafficking often they think of trafficking into the sex industry. Does this reflect the nature of trafficking in Australia today?</p> <p>What resources have been directed to address these rising concerns?</p> <p>What resources have been directed to improve communication between relevant agencies, including the Fair Work</p>   | Written  |

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|          |                      |   |                |         |   | Commission and other employment and industrial bodies noting the change in types of trafficked people?  |  |
| BE17-140 | Attorney General     | Administrative Appeals Tribunal               | N/A            | Carr    | Immigration matters referred to the AAT   | Please provide the number of cases relating to an immigration matter referred to the AAT in and a breakdown of the type of matter in:<br>2012/2013<br>2013/2014<br>2014/2015<br>2015/2016<br>2016/2017  | Written  |
| BE17-141 | Attorney-General     | Administrative Appeals Tribunal               | N/A            | Carr    | Outcome of migration and refugee cases    | Provide the following for the previous financial years (2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017)<br>• Number of Department or Ministerial decisions relating to refugee claims overturned by the AAT<br>• Number of Department decisions relating to cases involving other migration matters overturned by the AAT<br>• Number of Department or Ministerial decisions relating to refugee claims upheld by the AAT<br>• Number of Department decisions relating to cases involving other migration matters upheld by the AAT.   | Written  |
| BE17-142 | Attorney General     | Administrative Appeals Tribunal               | N/A            | Carr    | Reasons for immigration decisions         | Please provide the top five reasons the AAT overturns decisions by the Minister or department.<br>Please provide the top five reasons the AAT as upheld decisions made by the Minister of department.   | Written  |
| BE17-143 | Attorney General     | Australian Security Intelligence Organisation | N/A            | Roberts | Violent Extremism                         | Given Mr Duncan Lewis' comments in the media, I wanted to ask for some further clarification.<br>1. Does ASIO stand by Mr Lewis' assessment that terrorists typically become terrorists because of adopting a particular, violent extremist interpretation of Sunni Islam?<br>2. Does Australia allow people who openly embrace this violent, extremist interpretation of Sunni Islam to enter the country?<br>3. Do people who do not originally subscribe to this violent, extremist interpretation of Sunni Islam nonetheless sometimes convert to it?<br>4. Are people who subscribe to other interpretations of Islam more likely to convert to this violent, extremist interpretation of Sunni Islam than members of the general community? | Written  |
| BE17-144 | Minister for Justice | Australian Federal Police                     | N/A            | Roberts | Australian Muslims                        | Is it the case that the latter & overriding parts of <i>The Koran</i> encourage jihad (unlike say Jesus Christ in the New Testament of <i>The Bible</i> ) noting that Muḥammad personally led 86 jihadi battles? Thus do Australian Muslims need extra attention?   | Written  |
| BE17-145 | Attorney-General     | Civil Justice Policy and Programmes Division  | 1.1            | Roberts | Family Relationship interventions         | Rather than looking for government to intervene to strengthen family relationships, has it looked at removing those past & current government interventions that perhaps unintentionally have weakened such relationships?  | Written  |
| BE17-146 | Attorney-General     | Counter Terrorism Unit                        | 1.2            | Roberts | Australian Muslims                        | Is it the case that the latter & overriding parts of <i>The Koran</i> encourage jihad (unlike say Jesus Christ in the New Testament of <i>The Bible</i> ) noting that Muḥammad personally led 86 jihadi battles?  | Written  |
| BE17-147 | Attorney-General     | Australian Human Rights Commission            | N/A            | Waters  | Sexual Assault on Campus research project | 1. Can you please provide any written research framework governing or guiding the Sexual Assault on Campus research project?<br>2. In particular, can you provide, or describe, any written memorandum of understanding or other arrangement between universities and the Commission in relation to survey design and the role of universities in designing the project?  | Written  |
| BE17-148 | Attorney General     | Civil Justice Policy and                      | 1.4            | Pratt   | Budget Night Announcement of              | 1) No additional funding was announced in the budget for Legal Aid to represent litigants in cases where family violence is alleged. How will parties that have been refused the right to personally cross-examine be able to obtain legal  | Written  |

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|          |                      | Programmes Division                          |                |         | Cross-examination Reform for Victims of Family Violence                           | <p>representation, without extra funding for legal aid?</p> <p>2) Will the Government be providing any additional funding to Legal Aid to ensure that the reforms can be implemented?</p> <p>3) Or will existing legal assistance services be required to absorb the cost of representing litigants who are refused the right to personally cross-examine?</p>   |  |
| BE17-149 | Attorney General     | Civil Justice Policy and Programmes Division | 1.4            | Pratt   | Budget Night Announcement of Extra Funding for Specialist Domestic Violence Units | <p>1) Where will the six new domestic violence units, announced in the budget, be located?</p> <p>2) Is any of the \$3.4 million announced in the budget going towards the existing domestic violence units?</p> <p>3) Of the domestic violence units announced in the Women’s Safety Package in September 2015, how many are currently operational?</p> <p>4) What evaluation has been undertaken to ascertain whether the establishment of the initial domestic violence units has improved access to justice, and support, for domestic violence victims?</p>   | Written  |
| BE17-150 | Attorney General     | Civil Justice Policy and Programmes Division | 1.4            | Pratt   | Hormonal Treatment for Transgender Children/ Teenagers                            | <p>1) The Government recently said that they are actively considering options for reforming the process of obtaining stage two treatment (puberty blockers) for transgender teenagers through the family court. Could the Minister please provide an update on what options the Government are currently considering?</p> <p>2) Has the Government implemented any of the recommendations within the Senate Community Affairs References Committee report on ‘Involuntary or coerced sterilisation of intersex people in Australia’?</p> <p>3) Will the \$170 million in funding set aside for the marriage equality plebiscite go towards funding a postal vote plebiscite?</p>   | Written  |
| BE17-151 | Attorney General     | Civil Justice Policy and Programmes Division | 1.4            | Pratt   | Parenting Management Hearings   | <p>1) Where did the idea for these Parenting Management Hearings originate? Was it the Department?</p> <p>2) I refer to a seminar given by Mr Patrick Parkinson on May 9 this year – in fact the same day as the budget, in which he states that he gave a “private paper” to the government, along with two other academics in January 2017, to establish a tribunal for child custody cases outside of the court system, with a pilot program in western Sydney. The ideas expressed in this paper are very similar to those in the Parenting Management Hearings budget proposal. Is the Department aware of this “private paper”?</p> <p>3) Can the Department provide the committee with a copy?</p> <p>4) I also refer to an interview given by Professor Parkinson on ABC 702 Sydney radio on May 12. In the interview Professor Parkinson said the policy was an outcome of his proposal, and that he had personally briefed the Chief Justices of the Family and Federal Circuit Courts on the Parenting Management Hearings.</p> <p>5) Did Professor Parkinson write this policy himself? If not, which other external stakeholders had input?</p> <p>6) How much input did the Department actually have in the design of this policy? Did it have any?</p> <p>7) Do you think it appropriate for an external stakeholder like Professor Parkinson to be personally briefing the Chief</p> | Written  |

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|          |                      |                                     |                |         |                                       | <p>Justices of the Family and Federal Circuit Courts?</p> <p>8) Can the Department explain why it believes these Parenting Management Hearings are a better solution to Family Court backlogs than just filling vacancies left by existing judges? Or even increasing the number of judges?</p> <p>9) Will Professor Parkinson have continuing involvement with the establishment of the scheme? Will Professor Parkinson be involved in the running of the pilot in Parramatta?</p> <p>10) Where will the second pilot be located?</p> <p>11) Is the Department aware that Professor Parkinson runs a business, called the Alternative Courtroom which arbitrates property disputes in family law cases?</p> <p>12) If legislation were changed to allow non-court entities, like “the Alternative Courtroom” to also arbitrate child custody matters, Professor Parkinson could be in line for a significant windfall, could he not?</p> <p>13) Does the Department not consider this a blatant conflict of interest?</p> <p>14) Can you confirm legislation will be required to establish the first Parenting Management Hearing pilot in Parramatta, as suggested by Professor Parkinson?</p> <p>15) Will it be mandatory or voluntary to participate in a Parenting Management Hearing?</p> <p>16) What kind of qualification or accreditation will appointees to Parenting Management Hearing panels be required to have?</p> <p>17) How much power will those on the panel have to “collect evidence”? What kind of investigations will be permitted?</p> <p>18) How will the constitutional issues be resolved?</p> <p>19) The budget measure mentions additional money for legal aid lawyers for involvement in Parenting Management Hearings – can you explain to me where they come in?</p> <p>20) What recourse will families have if they don’t agree with the results of a Parenting Management Hearing?</p> |  |
| BE17-152 | Attorney-General     | Countering Violent Extremism Centre | 1.2            | Pratt   | Countering Violent Extremism programs | <p>1) How important are programs to counter violent extremism in the fight against terrorism here in Australia?</p> <p>2) How successful would you say these programs have been in achieving their objectives?</p> <p>3) The Government has previously – and rightly – made very significant funding commitments for CVE work, hasn’t it? On 29 August 2014 you issued a press release with the prime minister your party disposed of last year, announcing “the Government will invest more than \$64 million in measures to counter violent extremism and radicalisation.”</p> <p>4) Is it fair to say that CVE continues to be a priority of the Government?</p> <p>5) This year’s Budget commits just over \$9 million for CVE programs this year, dropping to just over \$6 million per year for the following three years. Does that massive downgrading of commitment to CVE, compared with the 2014 announcement, reflect the Government’s lack of concern in this space? Why does the Government no longer consider CVE such a high priority?</p>   | Written  |

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|          |                      |   |                |         |   | <p>6) What is the breakdown of the CVE funding in this year's budget? Specifically how will it be spent?</p> <p>7) What services or programs are now available as a direct result of this funding?</p> <p>8) What funding is there for ongoing service delivery in CVE?</p> <p>9) What framework is the government using to assess effectiveness of the overall CVE approach and programs?</p> <p>10) What was the funding program for the Australian Intervention Support Hub?</p> <p>11) What was the criteria for funding the Hub and what were the objectives and performance indicators?</p> <p>12) What were the outcomes/ outputs of the Australian Intervention Support Hub? Did they meet the criteria for funding and performance indicators originally set out?</p> <p>13) Has the government set up a support program for CVE providers?</p> <p>14) What services are currently listed on the Directory of CVE services?</p> <p>15) How many of organisations funded under the Living Safe Together program are currently delivering CVE services? How many are listed on the CVE Directory?</p> <p>16) What was the total level of funding for the Living Safe Together program?</p> <p>17) What are the future budget projections for this grants program?</p> <p>18) How much of the total CVE funding allocation does this represent?</p> |  |
| BE17-153 | Attorney-General     | National Archives of Australia                  | N/A            | Pratt   | National Archives of Australia property and locations | <p>1) Please provide an update on the proposed sale of the Canberra property where the national office, public display and reading rooms are located.</p> <p>2) Have there been any discussions about where the national office will be located if the current property is sold?</p> <p>3) Have there been any discussions about upgrading the building in the event that the Canberra property is not sold?</p>  | Written  |
| BE17-154 | Attorney-General     | Criminal Justice Policy and Programmes Division | 1.7            | Pratt   | Modern Slavery Act                                    | <p>1) Has the AGD provided advice on the establishment of an anti-slavery commissioner?</p> <p>1) If so, what funding has been allocated to such an office?</p> <p>2) Has the AGD provided advice on a possible Australian Modern Slavery Act? How developed are any proposals? Has any bill been prepared in draft form?</p>   | Written  |
| BE17-155 | Attorney-General     | Criminal Justice Policy and Programmes Division | 1.7            | Pratt   | The extent of modern slavery in Australia             | <p>1) Does the Department keep a record or estimate of the prevalence of trafficking, slavery and slavery-like circumstances in Australia?</p> <p>2) If so, what is it?</p> <p>3) How many people does the Department estimate are victims of modern slavery in Australia? This includes any person in Australia subject to slavery or slavery-like conditions - including debt bondage, forced labour and forced marriage.</p> <p>4) Please provide figures for the following years</p> <ul style="list-style-type: none"> <li>• 2011-12</li> <li>• 2012-13</li> <li>• 2013-14</li> <li>• 2014-15</li> </ul>   | Written  |

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|          |                      |   |                |         |   | <ul style="list-style-type: none"> <li>• 2015-16</li> <li>• 2016-17</li> </ul> <p>5) Does the government accept the GSI estimate as an acceptable and initial estimate?</p> <p>6) If not, why not?</p> <p>7) Is the Department aware of the GSI methodology?</p> <p>8) How many individuals were recognised as victims of trafficking, slavery and slavery-like circumstances in:</p> <ul style="list-style-type: none"> <li>• 2011-12</li> <li>• 2012-13</li> <li>• 2013-14</li> <li>• 2014-15</li> <li>• 2015-16</li> <li>• 2016-17</li> </ul>   |  |
| BE17-156 | Attorney-General     | Criminal Justice Policy and Programmes Division | 1.7            | Pratt   | Responding to modern slavery            | <p>1) Please provide the number of investigations of trafficking, slavery and slavery-like circumstances in:</p> <ul style="list-style-type: none"> <li>• 2011-12</li> <li>• 2012-13</li> <li>• 2013-14</li> <li>• 2014-15</li> <li>• 2015-16</li> <li>• 2016-17</li> </ul> <p>2) Please provide the number of prosecutions of trafficking, slavery and slavery-like circumstances in:</p> <ul style="list-style-type: none"> <li>• 2011-12</li> <li>• 2012-13</li> <li>• 2013-14</li> <li>• 2014-15</li> <li>• 2015-16</li> <li>• 2016-17</li> </ul> <p>3) Please provide the number of convictions of trafficking, slavery and slavery-like circumstances in:</p> <ul style="list-style-type: none"> <li>• 2011-12</li> <li>• 2012-13</li> <li>• 2013-14</li> <li>• 2014-15</li> <li>• 2015-16</li> <li>• 2016-17</li> </ul> | Written  |
| BE17-157 | Attorney-General     | Criminal Justice Policy and Programmes Division | 1.7            | Pratt   | The Department's work on modern slavery | <p>1) What community programs is the AGD supporting that work in this area?<br/>The National Action Plan lists funding provided by the Department for measures to combat human trafficking and slavery. This list was compiled in 2015 and all funding measures listed will have expired by 2017-18.</p> <p>2) Could you please update this list with any new funding announced since the National Action Plan?</p> <p>3) If there have been no measures announced, why not?</p>   | Written  |
| BE17-158 | Attorney-General     | Criminal Justice Policy and Programmes Division | 1.7            | Pratt   | Support for victims of modern slavery   | <p>The 8th IDC report indicates the AFP undertook 169 new investigations of trafficking and slavery-related matters. It also reports that 38 individuals were referred onto the Support Program, run by the AGD.</p> <p>1) What happened to the other 131?</p> <p>2) Were these cases or individuals?</p> <p>3) Of those 131:</p> <ul style="list-style-type: none"> <li>a. how many were not referred onto the Support Program that you administer because they were unwilling to cooperate with law enforcement?</li> <li>a. how many were young people impacted by forced marriage?</li> <li>b. were any subject to removal by the DIBP?</li> </ul>   | Written  |

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|          |                      |   |                |         |   | <p>c. how many were successfully linked to another service provider?</p> <p>The 7th IDC report indicated the AFP received 119 referrals in the previous FY and yet only 38 were referred onto the Support Program.</p> <p>4) How does the Department account for this trend?</p> <p>5) If referrals to AFP are increasing, has the Department looked into or considered why the number of referrals to the Support Program - run through the AGD – are not increasing as well? If not, why not?</p> <p>6) Of the 38 referred onto the Support Program in each of the last two years, how many accessed only the initial assessment stream (45 – 90 days)?</p> <p>7) What happened to those who were referred off the program after the initial reflection/assessment stream?</p> <p>8) Of the 38 referred onto the Support Program in each of the last two years, how many of those impacted by forced marriage accessed the justice support stream? In other words, how many people impacted by forced marriage decided not to cooperate with the AFP/were thus, ineligible for the Department's full program?</p> <p>9) Can the Department provide a breakdown of the number of permanent (trafficking-related) visas that have been granted to primary victims and the total number of visas granted to eligible family members? <i>Please break these down according to past and present visa types (i.e. Witness Protection Trafficking Visa is now Referred Stay visa.)</i></p> <p>The 8th IDC report indicates that 132 people have received either the WPTV or Referred Stay visa since the permanent visa regime for trafficking victims was adopted in 2008-09. 311 victims have been referred onto the Support Program; thus only 43% of victims have received visas.</p> <p>10) Does the government track what happens to this group when they do not engage with the AFP and do not go onto the Support Program?</p> |  |
| BE17-159 | Attorney-General     | Criminal Justice Policy and Programmes Division | 1.7            | Pratt   | National Action Plan and Forced Marriage                    | <p>1) Has the practice of forced and early marriage been reduced as a result of actions under the National Action Plan?</p> <p>2) Does the NAP articulate a specific target toward this aim which can be measured?</p> <p>3) How do the implementers of the NAP measure whether their activities are succeeding in reducing prevalence of trafficking, slavery and slavery-like practices? (I.e. training of police and immigration officials)</p>  | Written  |
| BE17-160 | Minister for Justice | Australian Federal Police                       | N/A            | Pratt   | Australian Federal Police projects, taskforces and measures | <p>1) Please update your response to Question No. AE17/029 for 2017-18:<br/>For each measure, please provide:</p> <ul style="list-style-type: none"> <li>• Name/description</li> <li>• Expiry date</li> <li>• The movement of funding between: <ul style="list-style-type: none"> <li>○ 2015-16 and 2016-17</li> <li>○ 2016-17 and 2017-18</li> <li>○ 2017-18 and 2018-19</li> <li>○ 2018-19 and 2019-20</li> <li>○ 2019-2020 and 2020-2021</li> </ul> </li> </ul>  | Written  |
| BE17-161 | Minister for Justice | Australian Federal Police                       | N/A            | Pratt   | National Anti-Gangs Taskforce                               | <p>1) Please provide a detailed breakdown of funding to the measure 'Addressing gang violence and organised crime - National Anti-Gang Taskforce, Gang Intelligence Centre and Criminal Assets Confiscation Taskforce', including staffing, separated for each section of this measure:</p> <ol style="list-style-type: none"> <li>a. National Anti-Gang Taskforce</li> <li>b. Gang Intelligence Centre and</li> <li>c. Criminal Assets Confiscation Taskforce</li> </ol> <p>2) Will there be any reduction in staffing or funding going to this measure?</p> <p>3) Please provide the level of funding and the number of AFP personnel that have been allocated by the AFP to:</p> <ul style="list-style-type: none"> <li>• NAGS Strike Teams in: <ul style="list-style-type: none"> <li>○ New South Wales;</li> </ul> </li> </ul>   | Written  |

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|          |                       |                                |                |         |   | <ul style="list-style-type: none"> <li>o Queensland;</li> <li>o Victoria;</li> <li>o Western Australia; and</li> <li>o South Australia.</li> <li>• NAGS Liaison Officers in:               <ul style="list-style-type: none"> <li>o Tasmania;</li> <li>o The Australian Capital Territory; and</li> <li>o The Northern Territory.</li> </ul> </li> </ul>  |  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |
| BE17-162 | Minister for Justice  | Australian Federal Police      | N/A            | Pratt   | Keeping Illegal Guns off our Streets and our Communities Safe | <ol style="list-style-type: none"> <li>1) Please provide a more detailed breakdown of funding to the measure 'Keeping Illegal Guns off our Streets and our Communities Safe'.</li> <li>2) In the Australian Federal Police's response to Question No. AE17/029 asked on 28 February 2017, the AFP provided that this measure would see:               <ul style="list-style-type: none"> <li>• A reduction of \$405,000 in 2017-18; and</li> <li>• A reduction of \$22,097,000 in 2018-19-2019-20.</li> </ul> <ol style="list-style-type: none"> <li>a) Did the AFP request a reduction of funding for this measure?</li> <li>b) What effect will this have on the ASL for this program over the forward estimates?</li> <li>c) What work does this measure do? Please provide an overview of the types of tasks/outcomes for this measure.</li> <li>d) Is keeping illegal guns off our streets a priority for the AFP? If so, why has funding been reduced for this measure?</li> <li>e) Has the AFP consulted with the Minister about this reduction?</li> </ol> </li> </ol>  | Written  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |
| BE17-163 | Minister for Justice  | Australian Federal Police      | N/A            | Pratt   | Australian Federal Police Staffing Reduction                  | <ol style="list-style-type: none"> <li>1) The 2017-18 Budget Paper 4 (see page 130 "Staffing of Agencies") indicates there will be a reduction of 151 personnel to the AFP's average staffing levels between 2016-17 and 2017-18 (see <a href="http://budget.gov.au/2017-18/content/bp4/download/Budget2017-18_BP4.pdf">http://budget.gov.au/2017-18/content/bp4/download/Budget2017-18_BP4.pdf</a>)               <ol style="list-style-type: none"> <li>a. Did the AFP request a reduction in staff?</li> <li>b. When was this reduction first forecast?</li> <li>c. Please provide predicted breakdown of the levels and category (Sworn/PSO/Unsworn) of personnel who the AFP predicts will form this reduction in staffing.</li> <li>d. Has the AFP consulted with the Minister regarding this reduction?</li> <li>e. Is there a reason why the average staffing level has been reduced?</li> <li>f. Is this reduction in any way attributable to the reduced budget for the AFP in 2017-18?</li> </ol> </li> <li>2) Please provide forecast average staffing level in the AFP for the years:               <ul style="list-style-type: none"> <li>• 2017-18</li> <li>• 2018-19</li> <li>• 2019-20</li> <li>• 2020-21</li> </ul> </li> </ol> | Written  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |
| BE17-164 | Minister for Justice  | Australian Federal Police      | N/A            | Pratt   | Funding reduction – policing                                  | <p>Page 97 of the AGD Portfolio Estimates Statement 2017-18 indicates there will be a reduction of \$184,367,000 in funding to the AFP over the forward estimates.</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Funding for Outcome 1</th> <th>Difference compared to 2016-17</th> </tr> </thead> <tbody> <tr> <td>2016-17</td> <td>\$1,255,166,000</td> <td></td> </tr> <tr> <td>2017-18</td> <td>\$1,239,647,000</td> <td>-\$15,813,000</td> </tr> <tr> <td>2018-19</td> <td>\$1,227,308,000</td> <td>-\$28,152,000</td> </tr> <tr> <td>2019-20</td> <td>\$1,197,449,000</td> <td>-\$58,011,000</td> </tr> </tbody> </table>   | Year   | Funding for Outcome 1 | Difference compared to 2016-17 | 2016-17 | \$1,255,166,000 |  | 2017-18 | \$1,239,647,000 | -\$15,813,000 | 2018-19 | \$1,227,308,000 | -\$28,152,000 | 2019-20 | \$1,197,449,000 | -\$58,011,000 | Written |
| Year     | Funding for Outcome 1 | Difference compared to 2016-17 |                |         |   |   |  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |
| 2016-17  | \$1,255,166,000       |                                |                |         |   |   |  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |
| 2017-18  | \$1,239,647,000       | -\$15,813,000                  |                |         |   |   |  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |
| 2018-19  | \$1,227,308,000       | -\$28,152,000                  |                |         |   |   |  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |
| 2019-20  | \$1,197,449,000       | -\$58,011,000                  |                |         |   |   |  |                       |                                |         |                 |  |         |                 |               |         |                 |               |         |                 |               |         |

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|------------------|----------------------|---------------------------|----------------|---------|--|---|--|-----------------|---------------|------------------|--|----------------|--|
|                  |                      |                           |                |         |  | <table border="1"> <tr> <td>2020–21</td> <td>\$1,173,069,000</td> <td>-\$82,391,000</td> </tr> <tr> <td>Total difference</td> <td></td> <td>-\$184,367,000</td> </tr> </table> <p>Source: AGD Portfolio Estimates Statement 2017-18 (see page 97)<br/> <a href="https://www.ag.gov.au/Publications/Budgets/Budget2017-18/Documents/Attorney-Generals-portfolio-2017-18-PBS-full-report.pdf">https://www.ag.gov.au/Publications/Budgets/Budget2017-18/Documents/Attorney-Generals-portfolio-2017-18-PBS-full-report.pdf</a></p> <ol style="list-style-type: none"> <li>1) Please confirm that these figures are correct.</li> <li>2) Please outline where these cuts will fall – what programs will see a reduction in funding?</li> <li>3) Has the AFP prepared any plans or documents for responding to this funding reduction?</li> <li>4) In response to a question at Additional Estimates on 28 February 2017, the AFP Commissioner mentioned fraud work, organised crime work and drug work as areas which would be affected by cuts in funding to Outcome 1. <ol style="list-style-type: none"> <li>a. Does the AFP continue to stand by these comments?</li> <li>b. If so, will the AFP’s fraud work, organised crime work and drug work be affected by the \$184 million reduction outlined above?</li> <li>c. Please list any other areas that will have a reduction due to this \$184 million cut over the forward estimates.</li> </ol> </li> </ol> | 2020–21  | \$1,173,069,000 | -\$82,391,000 | Total difference |  | -\$184,367,000 |  |
| 2020–21          | \$1,173,069,000      | -\$82,391,000             |                |         |  |   |  |                 |               |                  |  |                |  |
| Total difference |                      | -\$184,367,000            |                |         |  |   |  |                 |               |                  |  |                |  |
| BE17-165         | Minister for Justice | Australian Federal Police | N/A            | Pratt   | Investigation of modern slavery by the Australian Federal Police | <p>The 8th IDC report indicates the AFP undertook 169 new investigations of trafficking and slavery-related matters in that year. It also reports that 38 individuals were referred onto the Support Program.</p> <ol style="list-style-type: none"> <li>1) What happened to the other 131? Please account for this discrepancy (169 / only 38 referrals)</li> <li>2) Were these cases or individuals?</li> <li>3) Of those 131, how many: <ol style="list-style-type: none"> <li>a) were not referred onto the Support Program because they were unwilling to cooperate with law enforcement?</li> <li>b) were young people impacted by forced marriage?</li> <li>c) were any subject to removal by the DIBP?</li> <li>d) were successfully linked to another service provider?</li> </ol> </li> </ol> <p>The 7th IDC report indicated the AFP received 119 referrals in the previous year and yet the same number (38) were referred onto the Support Program.</p> <ol style="list-style-type: none"> <li>4) Can the AFP account for this trend?</li> <li>5) If referrals to AFP are increasing, why are not the number of referrals to the Support Program increasing as well?</li> </ol>  | Written  |                 |               |                  |  |                |  |
| BE17-166         | Minister for Justice | Australian Federal Police | N/A            | Pratt   | Outreach programs – modern slavery                               | <ol style="list-style-type: none"> <li>1) What action is the AFP are taking to improve the appropriateness of the referrals?</li> <li>2) What community outreach does the AFP do to engage victims of modern slavery?</li> <li>3) How often does this outreach occur?</li> <li>4) Who in the AFP is responsible for outreach?</li> <li>5) What outcomes do you expect to see from the AFP’s work in this area?</li> <li>6) How do you monitor its effectiveness?</li> <li>7) Of the 38 persons referred onto the Support Program in each of the last two FY, how many of people impacted by forced marriage decided not to cooperate with the AFP and were thus, ineligible for the full program?</li> </ol>  | Written  |                 |               |                  |  |                |  |
| BE17-167         | Minister for Justice | Australian Federal Police | N/A            | Pratt   | Enforcement of modern slavery laws                               | <ol style="list-style-type: none"> <li>1) (In response to Ms Hawkins evidence before estimates last week, p 83) what methods do authorities exercise to encourage victim participation? In other words, what techniques to police employ to build trust with potential victims?</li> </ol>  | Written  |                 |               |                  |  |                |  |

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|          |                      |                           |                |         |   | <p>2) Do authorities engage civil society where victims are reluctant to cooperate? If so, provide examples.</p> <p>3) Over 50% of referrals to AFP come from immigration officials. In such circumstances, where do victim interviews typically take place? (i.e. immigration detention? Police stations? Or in more victim-friendly places?)</p> <p>4) Where suspected victims are reluctant to cooperate, do authorities provide access to independent legal advice to apprise them of their rights? Or is it standard practice for authorities to apprise potential victims themselves?</p>   |  |
| BE17-168 | Minister for Justice | Australian Federal Police | N/A            | Pratt   | Taskforce Cadena                                      | <p>1) How many unlawful non-citizens have been removed by Taskforce Cadena?</p> <p>2) How many arrests has Taskforce Cadena resulted in? Convictions?</p> <p>3) How many briefs of evidence prepared for the CDPP have involved slavery and trafficking crimes?</p> <p>4) How many briefs of evidence prepared for the CDPP have involved?</p> <p>5) How many prosecutions has the DIBP secured under the employer sanctions provisions of the Migration Act, including those of aggravated offences which involve exploitation? Amount of fines imposed?</p>   | Written  |
| BE17-169 | Minister for Justice | Australian Federal Police | N/A            | Pratt   | Australian Federal Police Contribution to ODA         | <p>1) What is the total dollar figure of Overseas Development Assistance eligible activities in the AFP's 2017-18 Budget?</p> <p>2) Can the AFP provide a full list of programs which are allocated to Overseas Development Assistance including allocated funding, funding period, country and lead agency?</p> <p>3) Can the AFP provide a full list of programs which are deemed as focusing on non-coercive approaches to countering violent extremism including allocated funding and funding period and indication if they will be allocated to ODA?</p>  | Written  |
| BE17-170 | Minister for Justice | Australian Federal Police | N/A            | Pratt   | Australian Solomon Islands Bilateral Policing Program | <p>1) On what date was the new bilateral policing program between Australia and Solomon Islands agreed?</p> <p>2) What are the parameters of the new Australian Solomon Island bilateral policing program and what are the main functions to be carried out by the AFP?</p> <p>3) With respect to the Australian Solomon Islands Bilateral Policing program</p> <p>a) What is the length of this new bilateral policing program?</p> <p>b) How many AFP personnel will be based in Solomon Islands?</p> <p>4) RAMSI Special Coordinator Quinton Devlin has stated AFP personnel and their families will be housed in concentrated housing compounds.</p> <p>a) Is this housing pre-existing or has it been purpose built?</p> <p>b) What will be the annual cost of housing AFP personnel in this accommodation?</p> <p>c) Will this cost be met by ODA?</p> <p>d) Will all AFP personnel be based in Honiara?</p> <p>5) Will AFP facilities be located within the Australian High Commission Facilities or remain at the RAMSI base?</p> <p>What if any was Australia's contribution to the newly opened Transnational Crime Unit – was this in any part allocated to ODA?</p> | Written  |
| BE17-171 | Minister for Justice | Australian Federal Police | N/A            | Pratt   | Papua New Guinea – Australian Policing Partnership    | <p>1) What factors led to the decision to extend the Papua New Guinea – Australia Policing Partnership for a further 18 months?</p> <p>2) Is the \$48 million announced the total cost of AFP support for the delivery of the APEC summit?</p> <p>3) Is the \$48 million the total cost of the extended partnership?</p> <p>4) How many AFP officers have been allocated to assist PNG deliver the APEC summit in November 2018?</p> <p>5) Can the Department provide a breakdown of the roles AFP officers will be undertaking throughout this 18 months extension?</p> <p>6) In respect to CN3419645 can the Department advise the quantity, make and model of motor vehicles purchased.</p> <p>a. What is the expected life span of vehicles purchased under CN3419645?</p> <p>b. Were the vehicles purchased under CN3419645 purchased in preparation for the APEC summit?</p>  | Written  |

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|          |                      |   |                |          |   | <p>c. How will the vehicles be used once the 18 month extension to the PNG – Australia Policing Partnership ends?</p> <p>d. Was the \$450,000.00 purchase funded through ODA?</p>   |  |
| BE17-172 | Attorney-General     | Family Court of Australia                   | N/A            | Lambie   | Research conducted by Family Law Institute  | <p>Can you please provide a copy of research completed by the Family Law Institute with their findings in regard to the below matter.</p> <p>But the questions are simply did your organisation through this research or any research ever conclude that such views:</p> <ol style="list-style-type: none"> <li>1) Are accurate interpretations from the Family Law Act so it does not need any changes?</li> <li>2) Are indeed in the best interest of children so the Family Law Act does not need any changes?</li> </ol> <p>More specific findings the Attorney-General's department saying your organisation and your research supports that we would like to question include</p> <ol style="list-style-type: none"> <li>a) That whoever as the judges say "unilaterally imposes living and contact restrictions" is always more important than the other parent and should always have more time because while secondary parents are very important only the parent who first gained possession is essential to a child, and children are incapable of ever switching their level of need, and can never develop and equal or greater relationship with the secondary parent?</li> <li>b) That in relation to the Family Law Act's protection from harm requirement, a secondary parent can not harm a child so the threshold of harm inflicted by a secondary parent is lower with regards to increasing the level of contact towards more time with a secondary parent, but protection of harm from a primary parent with regards to reducing a primary parents level of time is much higher as they must reach a level of harm to the child that exceeds (not matches but exceeds) the child's brain not developing, even in cases where the secondary parent is no risk at all.</li> <li>c) That any harm caused to a child by the primary parent is the fault of the secondary parent seeking contact that is of no additional value to children as they are only secondary parent as a result of the arrangements forced on the child by the first person to get possession of the child prior to passing the mandatory mediation session and reaching court.</li> <li>d) That secondary parent seeking any level of contact greater than that set out by Dr. Jennifer McIntosh in her studies tendered by the Attorney General's office as per age at trial date, must be less creditable and their evidence down weighted compared to the first person to get the child, because only primary parents can argue for time, secondary parent seeking time are seeking something of no additional value to children once you have a minimum contact needed for a meaningful relationship so the secondary parent and their evidence must be less creditable?</li> <li>e) That it is appropriate and ethic to not inform secondary parent, that the interim order which must under the Family Law Act according to the judges have a little bit of time during school days (as little as an hour) and a little bit of time on non-school days (as little as an hour) so as to "stabilise" until they can determine what is in the best interest of the child, without telling them that at the time of trial judges also say that the fact they put in place these limited interim orders, the judges made it in the best interest of the child to always have more time with the parent they allowed precisely as a result of making that limiting interim order? Again assuming the first person to get the child limits their harm they might inflict on the child to a level no greater than (though equal to is fine) that would result in the child's brain not developing.</li> <li>f) That as conflict between parents is the greatest form of harm to a child the best interest of children is achieved by any level of contact at all when the child is not at risk of harm during their time with a secondary parent, even if the primary parent is harming the child under the threshold limit, but that it is the extremely difficult nature of returning to court that leads as a result of final orders that makes it in the best interest of a child to remain more with the first parent to get the child if the first parent, refuses to communicate, refuses to co-operate, or makes demands that are inappropriate for a secondary parent to do and the secondary parent refuses to comply (such as being asked by the primary parent to harm the child so long as they are being ask to harm the child in a way that is below the threshold)</li> </ol> | Written  |
| BE17-173 | Minister for Justice | Australian Criminal Intelligence Commission | N/A            | Williams | Australian Criminal Intelligence Commission | <p>At the last estimates Ms. Rose explained to me about encrypted communications being used by organised crime figures to conduct illegal business.</p> <p>I just want to follow-up on a few aspects –</p> <ol style="list-style-type: none"> <li>a) How much do these devices sell for on the street ?</li> <li>b) You find them in the hands of organised criminals and drug gangs. Do you suspect they are also in the hands of extremists</li> </ol>  | Written  |

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|          |                      |  |                |         |  | <p>and potential terror suspects?</p> <p>c) You said the manufacturers have been co-operative. Has there been any legal action necessary against the manufacturers, or software developers of these devices in a bid to obtain more information or restrict their misuse?</p>   |  |
| BE17-174 | Attorney-General     | Intelligence and Identity Security Division        | 1.2            | Hanson  | Australian Security Intelligence Organisation        | <p>(a) It is the terrorists, who self-identify as Muslims, who make the link between Islam and terrorism. How can the Australian community have confidence in the head of ASIO when he fails to acknowledge this indisputable fact?</p> <p>(b) The head of ASIO Duncan Lewis has been the subject of much comment by the media in respect of his denial between the refugee program and terrorism. How can the Australian community have confidence in the head of ASIO when he has been so broadly and widely criticized for answers given during the Additional Senate Estimates process?</p> <p>(c) Given the damage done to the reputation of ASIO by Duncan Lewis, on what basis should the current head of ASIO continue to hold that position?</p>   | Written  |
| BE17-175 | Attorney-General     | Countering Violent Extremism Centre                | 1.2            | Hanson  | Countering violent extremism                         | <p>(a) The Department recently issued a Request for Tender (AGD 2016-17-001) seeking the provision of services to counter violent extremism. In 2017 'violent extremism' refers to those who justify their terrorist actions by the readings of Islam and the Hadith. What purpose does it serve to deny the link to Islam?</p> <p>(b) A survey of Muslims in Canada was published in 2016. It found that second generation Muslims were more likely to identify as Muslims than Canadians. There are no similar studies here. Given the Government's preventative role, will it ask ASIO or some other area of Government to commission a similar study?</p>   | Written  |
| BE17-176 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Pratt   | Australian Transaction and Analysis Centre (AUSTRAC) | <p>1. Does AUSTRAC have any concerns about participants in the banking sector (other than the Commonwealth Bank of Australia) potentially being in breach of the AML-CTF Act?</p> <p>2. Has AUSTRAC ever been unable to manage the volume of reports being submitted by reporting entities?</p> <p>3. Has AUSTRAC had to scale back any operations due to funding cuts or budget constraints in the following years:</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18</p> <p>4. Has AUSTRAC ever raised concerns about funding with the Minister?</p> <p>5. What measures does AUSTRAC have that will terminate over the forward estimates?</p> <p>6. Please provide the number of investigations undertaken by AUSTRAC for each of the following years:</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18</p> <p>7. Please indicate how many AUSTRAC investigations went to prosecution in the following years: 2013-14</p> | Written  |

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|          |                      |   |                |         |   | 2014-15<br>2015-16<br>2016-17<br>2017-18<br>8. How many convictions has AUSTRAC secured in the following years:<br>2013-14<br>2014-15<br>2015-16<br>2016-17<br>2017-18   |  |
| BE17-177 | Minister for Justice | Australian Criminal Intelligence Commission | N/A            | Pratt   | Australian Criminal Intelligence Commission and Australian Institute of Criminology | 1. How many analysts does the ACIC have overseas?<br>2. When do their contracts expire?<br>3. Can you please provide the ASL for ACIC overseas staff for the following years:<br>2011-12<br>2012-13<br>2013-14<br>2014-15<br>2015-16<br>2016-17<br>2017-18<br>4. Can you please provide projected ASL for overseas ACIC staff for the following years:<br>2017-18<br>2018-19<br>2019-20<br>2020-21<br>2021-22<br>5. Please provide the number of ACIC analysts whose roles are not currently guaranteed full funding until the end of the forward estimates (2021).<br>6. Has the ACIC requested funding for any extension of ACIC analysts' postings overseas from the Minister?<br>7. Which ACIC activities/programs funded by Proceeds of Crime funding will expire over the forward estimates? | Written  |

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|          |                      |   |                |         |   | <p>8. When will they expire?</p> <p>9. Has the ACIC sought additional funding to continue these activities/programs?</p> <p>10. Will any of them cease or have to be scaled back if funding isn't re-committed/restored?</p> <p>11. How much funding has the ACIC received for information technology/cyber security over the following years:</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18</p> <p>12. Can you please provide projected funding for ACIC IT/cyber security over the following years: 2017-18</p> <p>2018-19</p> <p>2019-20</p> <p>2020-21</p> <p>2021-22</p>   |  |
| BE17-178 | Minister for Justice | Australian Criminal Intelligence Commission | N/A            | Pratt   | Royal Commission into Institutional Responses to Child Sexual Abuse | <p>The Royal Commission released a report in July 2015 which outlined a series of recommendations in relation to working with Children's Checks. Many were directed at state and territories, but there were specific recommendations that were made for the Commonwealth to implement within 12 months.</p> <ol style="list-style-type: none"> <li>Has ACIC (formerly CrimTrac) delivered on any of the interim recommendations asked of it by the Royal Commission into Institutional Child Sexual Abuse in their report on Working With Children's Checks (WWCC)? If so, which ones, and what work has been done to date, and what work is being planned? If not, why not, and is there any work being planned in this area?</li> <li>Specifically, has the Australian Crime Commission delivered on the following recommendations: <ul style="list-style-type: none"> <li>Completed recording into CrimTrac's system historical criminal records that are in paper form or on microfilm and which are not currently identified by CrimTrac's initial database search? Have you received these records from the states? Have you sought them?</li> <li>Have all WWCC holders been checked against historical criminal history records?</li> <li>What progress have you made in exploring avenues to make international records more accessible for the purpose of Working With Children Checks? (WWCC)</li> <li>Do all Commonwealth Government personnel, including contractors, undertaking child-related work, as defined by the child related work standards set out in this report, to obtain WWCCs as also recommended by the commission?</li> <li>The commission said in their WWCC report from 2015 that these recommendations should be implemented within 12 months – and that was two years ago. Why hasn't progress been quicker?</li> </ul> </li> <li>Do we have a functioning system to share Working with Children's Check information between jurisdictions? Why or why not? Is any progress being made on this?</li> <li>How are flags raised currently across jurisdictions? For example, if someone has a record that prevents them from receiving a WWCC in one state, or has been rejected in one state, is this information shared with other states and how?</li> <li>Is ACIC involved in the working group with relevant state and territory officials to work on WWCC's – when did the group</li> </ol> | Written  |

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|          |                      |   |                |         |   | <p>start meeting? Can you give us an update on the work of this group?</p> <ul style="list-style-type: none"> <li>The budget cuts to ACIC are substantial – (see previous questions) what impact is this having on being able to keep our nation's children safe from sexual offenders?</li> </ul>  |  |
| BE17-179 | Minister for Justice | Australian Institute of Criminology                 | N/A            | Pratt   | Australian Institute of Criminology                 | <ol style="list-style-type: none"> <li>What is current the status of the ACIC/AIC merger?</li> <li>In light of the 2017-18 Budget decision, what roles will ACIC play in the ongoing operations of the AIC?</li> <li>Does the AIC have an operating deficit?</li> <li>How much is it?</li> <li>What is the reason for the deficit?</li> <li>How are you going to address that deficit?</li> <li>Please provide the ASL of research staff employed at the AIC for the following years:<br/>2011-12<br/><br/>2012-13<br/><br/>2013-14<br/><br/>2014-15<br/><br/>2015-16<br/><br/>2016-17<br/><br/>2017-18</li> <li>Has there been a re-allocation of staff from ACIC to AIC? If so, for what purpose?</li> <li>Can you please guarantee whether capacity of the AIC to maintain its research capacity and standards?</li> <li>Will there be any change in the focus of the work of the AIC over the next 24 months?</li> <li>What are your targets in relation to the number of publications you are required to make each year, and in the number of those that should be peer-reviewed?</li> <li>Did you meet those targets last financial year? If not, why not?</li> <li>Are you on track this year?</li> </ol> | Written  |
| BE17-180 | Attorney-General     | Australian Commission for Law Enforcement Integrity | N/A            | Pratt   | Australian Commission for Law Enforcement Integrity | <ol style="list-style-type: none"> <li>How many corruption issues/referrals has ACLEI received in the following years:<br/>2011<br/><br/>2012<br/><br/>2013<br/><br/>2014<br/><br/>2015<br/><br/>2016<br/><br/>2017 (to date)</li> <li>How many corruption issues were conducted as internal investigations by LEIC Act agencies during the following years:<br/>2011<br/><br/>2012</li> </ol>  | Written  |

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|       |                      |                    |                |         |         | <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> <p>3. How many of these corruption issues were reconsidered and discontinued by LEIC Act agencies with the agreement of ACLEI during the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> <p>4. How many allegations of corruption issues/referrals/notifications did ACLEI itself decide not proceed with? Please break this down for the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> <p>5. How many investigations did ACLEI itself commence into corruption issues during the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> |  |

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|       |                      |                    |                |         |         | <p>2015</p> <p>2016</p> <p>2017 (to date)</p> <p>6. How many priority investigations were commenced by ACLEI in the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> <p>7. How many investigations were concluded/finalised by ACLEI in the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> <p>8. How many investigations led to prosecutions? Please break this down for the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> |  |

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|          |                      |  |                |         |                | <p>9. How many current investigations does ACLEI have (investigations that are not yet finalised)?</p> <p>10. Of these:</p> <ul style="list-style-type: none"> <li>• How many relate the Department of Immigration and Border Protection? and</li> <li>• How many are in the information-collection or in report-writing stages?</li> </ul> <p>Please provide the ASL for ACLEI in for the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> <p>11. How many staff at ACLEI were working full-time on investigations in the following years:</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017 (to date)</p> |  |
| BE17-181 | Minister for Justice | Commonwealth Director of Public Prosecutions | N/A            | Pratt   | Modern slavery | <p>1. How many incidents of modern slavery (cases under divisions 270 and 271 of the Criminal Code - Slavery and Slavery-Like Offences) have been brought to/referred to the CDPP in the following years:</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18 (to date)</p>  | Written  |

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|          |                      |  |                |         |  | <p>2. How many of these progressed to prosecution? Please list these by year:</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18 (to date)</p> <p>3. How many resulted in a conviction? Please list these by year:</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18 (to date)</p> <p>4. Has the CDPP provided any advice to Government about the level of prosecutions of slavery and slavery-like offences? If so, has the CDPP provided advice on why prosecutions and convictions remain low?</p> <p>5. What support does the CDPP provide to victims during the prosecution of slavery and slavery-like offence?</p> <p>6. What other support is the CDPP aware of for victims? Does the CDPP refer victims to services? If not, why not?</p> <p>7. Has the CDPP provided advice to the Minister on why there are so few prosecutions?</p> <p>8. Has the CDPP provided advice to the Minister on why there are so few convictions?</p> <p>9. What support do victims receive during the prosecution process?</p> |  |
| BE17-182 | Minister for Justice | Commonwealth Director of Public Prosecutions | N/A            | Pratt   | Foreign bribery and white collar crime | <p>1. How many incidents of foreign bribery have been brought to/referred to the CDPP in the following years:</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p>  | Written  |

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|          |                      |  |                |         |               | <p>2017-18 (to date)</p> <p>2. How many of these progressed to prosecution? Please list these by year:</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18 (to date)</p> <p>3. How many resulted in a conviction? Please list these by year:</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18 (to date)</p> <p>4. Has the CDPP provided advice to the Minister on why there are so few convictions and prosecutions of foreign bribery?</p> <p>5. Has the CDPP provided advice to the Minister on why there are so few convictions?</p> <p>6. How many staff working at the CDPP have forensic accounting qualifications?</p> |  |
| BE17-183 | Minister for Justice | Commonwealth Director of Public Prosecutions | N/A            | Pratt   | Drug Offences | <p>1. How many referrals has the CDPP had for federal drug offences under the criminal code in each of the following years:</p> <p>2010-11</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p>   | Written  |

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|          |                      |   |                |         |           | <p>2017-18 to date</p> <p>2. How many resulted in prosecution?<br/>2010-11</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18 to date</p> <p>3. How many resulted in a conviction?<br/>2010-11</p> <p>2011-12</p> <p>2012-13</p> <p>2013-14</p> <p>2014-15</p> <p>2015-16</p> <p>2016-17</p> <p>2017-18 to date</p>  |  |
| BE17-184 | Attorney-General     | Office of the Australian Information Commissioner | N/A            | Pratt   | Resources | <p>1. What provisions have been made in the Budget or elsewhere for resourcing sufficient to:</p> <p>a) discharge the statutory functions of the OAIC, and</p> <p>b) implement the Open Government Partnership National Action Plan commitments?</p> <p>If so, what are they?</p> <p>2. Is the OAIC able to discharge its statutory functions under the current funding levels?</p> <p>3. Will the Government be appointing an individual to each of the three independent Statutory Commissioner roles – Information Commissioner, Privacy Commissioner and FOI Commissioner?</p> <p>4. If not, how does that not breach the Open Government Partnership National Action Plan and the Government’s commitment to ‘ensure the adequate resourcing of the OAIC to discharge its statutory functions’?</p> <p>5. In the 2017-18 Budget, how much funding was provided for the OAIC to perform its privacy functions?</p> <p>6. How much funding was provided for the OAIC to perform its FOI functions?</p> <p>7. How much funding was provided for implementing the Open Government Partnership National Action Plan commitments?</p> <p>8. How many staff are employed to perform the OAIC’s privacy functions?</p> <p>9. How many staff are employed to perform OAIC’s FOI functions?</p> | Written  |

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|          |                      |   |                |         |  | <p>10. How many staff are employed to implement the Government commitments under the pen Government Partnership National Action Plan?</p> <p>11. What additional functions were given to the OAIC under the Open Government Partnership National Action Plan?</p> <p>12. Will additional funding or staffing be provided to the OAIC to perform those functions?</p> <p>13. In the past 12 months, how many agencies received requests for documents that have been already released under FOI?</p> <p>14. Is this an efficient use of agencies' time? Would it be more efficient to require Government agencies to publish on their websites documents released under FOI?</p> <p>15. In the past 12 months, how many agencies received FOI requests that were substantively the same as other FOI requests already received and responded to?</p> <p>16. Is this an efficient use of agencies' time? Would it be more efficient to require Government agencies to publish on their websites the reasons for decisions on all requests, including requests which are denied?</p> <p>17. Would requiring Government agencies to publish on their websites documents released under FOI and the reasons for decisions on all requests improve transparency, expose inconsistent or arbitrary decision-making or improve public understanding of the FOI process?</p> <p>18. What would be the benefits of reinstating the independent statutory role of FOI Commissioner, as distinct from the Privacy or Information commissioner?</p> |  |
| BE17-185 | Attorney-General     | Family Court of Australia<br>Federal Circuit Court of Australia<br>Federal Court of Australia | N/A            | Pratt   | Parenting Management Hearings                            | <p>1. When did you first hear of the idea for Parenting Management Hearings?</p> <p>2. Who did you hear about it from?</p> <p>3. Was it a proposal you had ever seen before?</p> <p>4. Had any of you ever put it forward as an idea or proposal yourself to government? If not, why not?</p> <p>5. Was the court consulted by the Department or the Minister? Or was the court only briefed by Professor Patrick Parkinson?</p> <p>6. Did you find it strange that the court would be briefed on a government policy proposal by an external stakeholder?</p> <p>7. How much input did the court have into the proposal before its details were decided in the budget?</p>  | Written  |
| BE17-186 | Attorney-General     | Family Court of Australia   | N/A            | Pratt   | Family Court's position on Parenting Management Hearings | <p>1. Does the court believe the Parenting Management Hearings are an appropriate way to address the current backlogs in the family court?</p> <p>2. Do you have a firm idea of how they are going to work?</p> <p>3. Do you have any concerns about the proposal?</p> <p>4. Do you believe, for instance, that participation should be mandatory?</p> <p>5. Do you believe that child custody matters, with their attendant complexities, are properly addressed in the courts before a judge?</p> <p>6. Do you have concerns that participants in Parenting Management Hearings will not be allowed lawyers?</p>   | Written  |
| BE17-187 | Attorney-General     | Federal Circuit Court of Australia  | N/A            | Pratt   | Newcastle Circuit Court                                  | <p>1. Newcastle's Federal Circuit Court has been down a judge for six months, although I understand an announcement is pending. Whenever the Attorney-General has been asked about this vacancy, he says it is 'under active consideration'. What is causing the delay?</p> <p>2. What does 'active consideration' means? What processes or steps were involved in finding the replacement judge? What is the average judicial replacement timeframe? What contributed to this one taking six months?</p> <p>3. Data prepared by Chief Judge Pascoe showed that Newcastle's Federal Circuit Court judges have workloads twice the size of the national average and court wait times have blown out to 19 months due to the ongoing judicial vacancy. Is this acceptable? Is this putting families at risk?</p>   | Written  |
| BE17-188 | Attorney-General     | Civil Justice Policy and Programmes Division  | 1.4            | Pratt   | Annual report for the Family Court                       | <p>1. In the 2016 annual report for the Family Court, judicial services met only one out of four of its KPIs thanks to extensive delays in the court system. Do you agree this is a problem, Senator Brandis?</p> <p>2. In the 2016 annual report of the Family Court, Chief Justice Bryant said that "the federal government needed to provide additional funding to the courts dealing with family law, in order to enable them to better assist in the management of cases involving family violence." In the July 2016 Family Court Bulletin Chief Justice Bryant said the Family Court needed an immediate injection of \$6 million. There has been no allocation of additional funding for the Family Court or the Federal Circuit Court in the 2017 Budget. Why have you not responded to Chief Justice Bryant's request?</p> <p>3. The 2016 Family Court annual report says that so-called 'Magellan trials' which deal with sexual abuse or serious physical abuse of children are being impacted by the "lack of adequate resources for the Court". Protocols require these cases to be dealt with within 6 months of allegations being raised. Do you agree this is a problem and what are you doing about it?</p> <p>4. In the July 2014 Family Court Bulletin, Chief Justice Bryant said that "the courts are awaiting the Government's plans for</p>   | Written  |

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|          |                      |  |                |         |   | future funding and resourcing for the courts in its response to the KPMG Review of the Federal Courts funding". Why has the KPMG Review of the Federal Courts' funding still not been publicly released? When will it be?  |  |
| BE17-189 | Attorney-General     | Federal Circuit Court                              | 1.4            | Pratt   | Judicial vacancies in the Family Court                                | <ol style="list-style-type: none"> <li>I refer to an email entitled 'CEO update' sent by Dr Stuart Fenwick on 11 August which says that the Family Court kept within its 'approved loss' threshold for 2017-18, "at least in part due to the non-replacement of Judges." Is that correct?</li> <li>Was the non-replacement of judges considered necessary to keep within that approved loss threshold?</li> </ol>  | Written  |
| BE17-190 | Attorney-General     | Civil Justice Policy and Programmes Division       | 1.1            | Pratt   | Vacancies in the Family Court   | <ol style="list-style-type: none"> <li>There are two current vacancies in the Family Court. Why have these not been replaced?</li> <li>Justice May is due to announce her retirement soon. When will her replacement be announced?</li> <li>Do you consider that your delay in filling these vacancies is significantly contributing to backlogs in the courts?</li> <li>When will you do something about it?</li> </ol>   | Written  |
| BE17-191 | Attorney-General     | Federal Circuit Court of Australia                 | 1.4            | Pratt   | Judicial vacancies in the Federal Circuit Court                       | <ol style="list-style-type: none"> <li>The Chief Judge of the Federal Circuit Court in the 2016 annual report commented that the "timely replacement of retiring judges is critical to the Court's ability to deal with its workload". How many judicial vacancies are there in the Federal Circuit Court?</li> </ol>  | Written  |
| BE17-192 | Attorney-General     | Civil Justice Policy and Programmes Division       | 1.4            | Pratt   | Judicial vacancies in the Federal Circuit Court                       | <p>The Chief Judge of the Federal Circuit Court in the 2016 annual report commented that the "timely replacement of retiring judges is critical to the Court's ability to deal with its workload".</p> <ol style="list-style-type: none"> <li>What steps have been taken to fill judicial vacancies/positions in the Federal Circuit Court?</li> <li>When will those judges be replaced? Why haven't they been already?</li> </ol> <p>The Chief Judge of the Federal Circuit Court said in the 2016 annual report that additional judges were needed to cope with increased jurisdiction, greater volume and increasing length of trials.</p> <ol style="list-style-type: none"> <li>Will additional judges be appointed to this Court?</li> </ol>   | Written  |
| BE17-193 | Attorney-General     | Federal Court of Australia                         | 1.4            | Pratt   | Enterprise Bargaining Agreement and Human Resources in Federal Courts | <ol style="list-style-type: none"> <li>I refer to the Enterprise Bargaining Agreement proposal for Federal Court staff which was voted down by 90 per cent of staff in July this year. Is it appropriate for Federal Court employees to be offered half the pay rise of the rest of the public service?</li> <li>Are you aware that management of the Federal Courts has threatened to terminate existing enterprise agreements? How is this appropriate?</li> <li>Are you aware that since the arrival of new HR Director, Darrin Moy, 18 existing HR staff have departed, while Mr Moy has been able to install four of his former colleagues from Sydney Ferries on high wages?</li> <li>Is this not a breach of standard APS practices, in terms of hiring on merit?</li> </ol>  | Written  |
| BE17-194 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Watt    | Briefing AUSTRAC officials about Commonwealth Bank                    | <p>Senator WATT: Mr Clarke, it won't surprise you that I and other senators have a number of questions about the events involving the Commonwealth Bank. I realise there is an investigation underway and we will try to be careful about what we ask. When did you or other officials of AUSTRAC first brief your minister about concerns you had regarding the Commonwealth Bank?</p> <p>Mr Clark: As is customary, we brief our minister on a regular basis with respect to matters that AUSTRAC is dealing with, and it was no different in relation to this particular case. I would have to take on notice the question as to precisely when we first briefed our minister.</p> <p>Senator WATT: If you could. If there is any possibility of getting someone to look that up while we keep asking other questions, that would be great. Do you have a vague recollection, yourself, of having first raised these issues, if it was you, with the minister?</p> <p>Mr Clark: It would not have been me, Senator, but, again, I will take that on notice, if I may, and come back to you.</p> | 18 August 2017, 10                             |
| BE17-195 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Watt    | Statement of claim: terrorism financing                               | <p>Senator WATT: It won't surprise you that I haven't read the statement of claim exhaustively myself, but are some of the instances that have been included there related to potential terrorism financing? Mr Clark: In terms of our claims, there are a small number of matters that go to that issue. Of the late threshold transaction reports, we have claimed in our statement of claim that six of those relate to cash transactions by five customers whom the bank has assessed have a potential link to terrorism or terrorism financing.</p>   | 18 August 2017, 10-11                          |

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|          |                      |  |                |         |   | <p>Senator WATT: So six of the transactions that are the subject of that legal action relate to potential terrorism financing?</p> <p>Mr Clark: Correct.</p> <p>Senator WATT: Six transactions by five customers—so it's more than one transaction for one of those five customers?</p> <p>Mr Clark: I'll have to take that on notice.</p>  |  |
| BE17-196 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Watt    | AUSTRAC and the Commonwealth Bank Board | <p>Senator WATT: Prior to the legal action commencing, was there any interaction between AUSTRAC and the Commonwealth Bank board?</p> <p>Mr Clark: AUSTRAC, as I have mentioned previously, engages regularly with a range of reporting entities, including in particular the major banks, and AUSTRAC has met with the board of CBA and will hopefully continue to do that into the future.</p> <p>Senator WATT: Would it ordinarily be your practice to raise concerns about failure to comply with legislation with a bank's board?</p> <p>Mr Clark: It would depend on where we were at in terms of the inquiries that we were making and investigations that were underway.</p> <p>Senator WATT: Can you tell me specifically whether these matters were raised with the Commonwealth Bank board prior to the legal action?</p> <p>Mr Clark: I would have to come back to you on notice.</p> <p>Senator WATT: Could you take that on notice—and, if so, when?</p>  | 18 August 2017, 13                             |
| BE17-197 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Watt    | Commonwealth Bank reporting             | <p>Senator WATT: Is it correct that AUSTRAC told Commonwealth Bank staff that it couldn't cope with the volume of reporting it was receiving from the bank?</p> <p>Ms Jamieson: I'm not actually able to comment on that.</p> <p>Senator WATT: Because you do not know?</p> <p>Ms Jamieson: No, just as part of our operational requirements I can't comment.</p> <p>Senator WATT: You can't tell the committee whether you ever told the bank that your agency was struggling with the volume of reporting it was getting?</p> <p>Ms Jamieson: As I mentioned, we have significant technology, and we are always advancing our technology, but I can't answer that, no. I can take that on notice.</p> <p>Senator WATT: OK. Are there any other entities apart from the Commonwealth Bank which AUSTRAC has struggled to manage the volume of reporting from?</p> <p>Ms Jamieson: No, I didn't actually say that we struggle receiving the information. All our reporting entities are required to report to us on a regular basis as and when appropriate, and our systems cope with that. As I say, we receive a large volume of reports yearly.</p> | 18 August 2017, 12-13                          |

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| BE17-198 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Watt    | AUSTRAC funding variations in 2013-14 | <p>Senator WATT: Has AUSTRAC had to scale back any operations as a result of funding cuts?</p> <p>Mr Clark: No, we allocate resources as required, and obviously to the highest risk. That is our approach and that will continue.</p> <p>Senator WATT: Does that mean there have been some activities that have had a reduction of funding in order to fund certain other activities?</p> <p>Mr Clark: It is normal in the course of organising the way your agency operates to allocate and shift resources as needs arise, and that will continue to occur.</p> <p>Senator WATT: Could you take on notice which activities within AUSTRAC, going back to 2013-14, have had funding increases and decreases? I want to get a sense of where money has been moved within the agency. I accept that it happens. We have had these conversations with other agencies as well, but I would be interested in seeing where the money has gone up and down. Have you raised concerns around funding levels with your minister?</p> <p>Mr Clark: No.</p> <p>Senator WATT: Never in your knowledge? So are you confident that you have the resources you need to keep track of this kind of money laundering and terrorism financing?</p> <p>Mr Clark: We allocate resources as we need to the highest risks, and the issues you have mentioned are high risk, and we will continue to do that.</p>  | 18 August 2017, 13                             |
| BE17-199 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Watt    | DHS data-matching integrity           | <p>Mr Walters: The agency's budget and funding is very much affected by, as mentioned earlier, various capital programs that we have in place. The total funding that we have available can vary quite a lot from year to year, and it's as a result of that capital funding. In this case, what you're referring to is affected also by one NPP measure, which is terminating in 2018-19.</p> <p>Senator WATT: What's that for?</p> <p>Mr Walters: That's for the DHS data-matching integrity of the welfare payments measure.</p> <p>Senator WATT: Just explain to me why AUSTRAC is involved in that.</p> <p>Mr Walters: We are partnering with the Department of Human Services to arrange a data-matching regime and provide information to them. programs that we have in place. The total funding that we have available can vary quite a lot from year to year, and it's as a result of that capital funding. In this case, what you're referring to is affected also by one NPP measure, which is terminating in 2018-19. Senator WATT: What's that for?</p> <p>Mr Walters: That's for the DHS data-matching integrity of the welfare payments measure.</p> <p>Senator WATT: Just explain to me why AUSTRAC is involved in that.</p> <p>Mr Walters: We are partnering with the Department of Human Services to arrange a data-matching regime and provide information to them.</p> <p>Mr McCairns: I can provide a bit more on that, because I know another senator was interested in that. We were funded over four years to build an IT platform to enable for large-scale matching—and it goes to my colleague's point about continuing to look at new technology to help do risk analysis et cetera. This matches the DHS data against the AUSTRAC data. The idea is to help DHS</p> | 18 August 2017, 17                             |

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|          |                      |  |                |              |                                    | <p>improve its capability in detecting welfare fraud and serious noncompliance in relation to welfare payments. This capability replaces a current manual process. It's an automated data-sharing protocol. It's not fully built yet. It's still in beta phase, but it will improve the efficiency and the effectiveness of which AUSTRAC and DHS are able to share the data and identify potential fraud and serious non-compliance. We have this done this in a co-design with DHS. They've actually seconded staff to us to co-design the system. I will just tell you how it operates—</p> <p>Senator WATT: In the interests of time, feel free to put a bit more explanation on notice. So what you're telling me then is that any reductions in your expenditure across the forward estimates in outcome 1 are attributable to the end of this capital project being—</p> <p>Mr McCairns: Absolutely. It's mostly that capital project. That's a terminating NPP. The capital finishes this year coming, and operating the following year. By that time, it will be built and operational. Senator WATT: The way you just put was that it's mostly to do with that. Are there other cuts that are occurring beyond the capital project that show up here?</p> <p>Mr McCairns: No. That's the vast majority of it. If you look at the appropriation, it's roughly the same over the forward—</p> <p>Senator WATT: So money you're being given to stop terrorism financing and money laundering is not decreasing across the forward estimates.</p> <p>Mr McCairns: It's always roughly been the same over the forward estimates.</p> <p>Senator WATT: It's pretty static: it's not really going up and down.</p> <p>Mr McCairns: It's pretty flat and it's the capital side. It's simply a terminating NPP. We'll build a system. We'll put it in, and then that will be done.</p> |  |
| BE17-200 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Watt         | AUSTRAC legal services expenditure | <p>Senator WATT: My last question concerns legal services expenditure. Your 2015-16 annual report stated that your total expenditure on legal services was \$3.4 million in the 2015-16 financial year. How much are you budgeting for legal expenses in this coming year, and how much was spent in 2016-17?</p> <p>Mr Clark: Could we take that on notice and come back to you.</p> <p>Senator WATT: Sure. Thank you.</p>   | 18 August 2017, 19                             |
| BE17-201 | Minister for Justice | Australian Transaction Reports and Analysis Centre | N/A            | Whish-Wilson | Money laundering                   | <p>Senator WHISH-WILSON: All right. I have one other question, on a different matter I've been reading lately—unfortunately I don't have the articles in front of me—about Europe, about money laundering around Chinese syndicates. There's been a change of policy there, with the government pulling or tightening down on credit and loans, and businesses going into liquidation. Has there been any activity at all in that respect in Australia, given what's going on in the EU?</p> <p>Mr Clark: I can't comment from an AUSTRAC perspective on that, no.</p> <p>Senator WHISH-WILSON: Because there may be investigations?</p> <p>Mr Clark: No, because I'm not aware of those issues.</p> <p>Senator WHISH-WILSON: Just to be clear, you're not aware of any—</p> <p>Mr Clark: I'm not aware that we have any involvement as an agency in those particular issues.</p>   | 18 August 2017, 19                             |

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|          |                      |   |                |         |                                      | <p>Senator WHISH-WILSON: Okay. It's not just the European issues. Are there any investigations underway in Australia in relation to this? I actually might get you the articles and send them to you if you don't mind.</p> <p>Mr Clark: Okay. We can take that on notice.</p> <p>Senator WHISH-WILSON: Yes, if you could take it on notice, that's probably the best way to go. Thank you.</p>  |  |
| BE17-202 | Attorney-General     | Office of the Australian Information Commissioner | N/A            | Watt    | Disclosure of personal information   | <p>Senator WATT: Earlier this year, you announced that you were making inquiries, with the Department of Human Services, about the disclosure of a particular person's personal information to a journalist—Ms Andie Fox. Can you tell us a bit more about where those inquiries are up to?</p> <p>Mr Pilgrim: I do need to be careful when talking about a specific matter. The considerations of that particular matter you're referring to are still active, so I'm a bit reluctant to go into any detail at this stage.</p> <p>Senator WATT: So that inquiry is ongoing?</p> <p>Mr Pilgrim: It is at the moment, yes.</p> <p>Senator WATT: Have you provided a draft report to ministers or to departmental officers?</p> <p>Mr Pilgrim: I think what might be more efficient at this point in time is if we take that on notice. I'm not aware that we have provided one at this stage, but I would like to take that on notice.</p> <p>Senator WATT: Just so we're on the same page, is this the investigation that you're undertaking into the actions of Minister Tudge and his office? That's what I'm talking about. Is that the same thing you're talking about?</p> <p>Mr Pilgrim: Again, I'm just being cautious about not getting into an area of an open investigation. There are a number of related matters to which that is one, yes.</p> <p>Senator WATT: Are there other ministers or ministers' officers who are the subject of that investigation? Mr Pilgrim: No.</p> <p>Senator WATT: Do you a time frame on when you think it's likely that that inquiry will be concluded? Mr Pilgrim: Not at the moment I don't, but I'm happy to take that on notice.</p> <p>Senator WATT: Will that report, ultimately, be made public?</p> | 18 August 2017, 20                             |
| BE17-203 | Attorney-General     | Office of the Australian Information Commissioner | N/A            | Watt    | Centrelink's automated debt recovery | <p>Senator WATT: On 28 February this year, you announced an audit of Centrelink's automated debt-recovery problem. When are those inquiries likely to be concluded?</p> <p>Mr Pilgrim: Again, I'll just check with the deputy commissioner.</p> <p>Ms Falk: We recently sent a letter to DHS outlining our assessment program. The first assessment is to commence shortly. That assessment will continue during the next quarter. Once concluded, our normal practice is for assessment reports to be made public on our website.</p> <p>Senator WATT: So, in saying that you would undertake an audit of the debt-recovery problems, the way that's actually put into practice is through an assessment program—is that right?</p> <p>Ms Falk: That's right. Under the Privacy Act, there's an audit power otherwise known as an assessment power. Following the</p>   | 18 August 2017, 20-21                          |

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|          |                      |   |                |         |   | <p>Commonwealth Ombudsman's report, the office decided to await further action by the department in terms of the implementation of those recommendations and then conduct an assessment of their implementation.</p> <p>Senator WATT: So is it fair to say, then, that that assessment has not yet commenced but will do so?</p> <p>Ms Falk: That's correct.</p> <p>Senator WATT: Will that be as part of your annual program and that kind of thing?</p> <p>Ms Falk: That's correct.</p> <p>Senator WATT: Did you say when you think that that will start?</p> <p>Ms Falk: I can refer to my notes and give you the precise time. Otherwise, I can take that on notice for you. From memory, I think the date we sent the notification to the department was 8 August.</p> <p>Senator WATT: So it's actually just started?</p> <p>Ms Falk: That's correct. We've just initiated it.</p>  |  |
| BE17-204 | Attorney-General     | Office of the Australian Information Commissioner | N/A            | Watt    | Complaints to OAIC about government agencies            | <p>Senator WATT: In the past 12 months, how many complaints has your organisation received about government agencies' mishandling of personal information?</p> <p>Ms Falk: Could I have the question again, please?</p> <p>Senator WATT: Over the last 12 months, how many complaints has your office received about government agencies' mishandling of personal information?</p> <p>Mr Pilgrim: We don't have the figures to hand, broken down by sector. As you will appreciate, we cover the majority of the private sector as well as the government sector. But we can certainly pull those out for you and provide them.</p> <p>Senator WATT: Sure. They're not reported publicly already?</p> <p>Mr Pilgrim: We collect them and publish them as part of our annual reporting process.</p> <p>Senator WATT: Feel free to direct us if they are already on there on the public record. Otherwise, perhaps you could—</p> <p>Mr Pilgrim: We're happy to provide them.</p> | 18 August 2017, 21                             |
| BE17-205 | Attorney-General     | Civil Law Unit                                    | N/A            | Watt    | Privacy Amendment (Re-identification Offence) Bill 2016 | <p>Senator WATT: Thanks. I've got a few questions for Senator Brandis as well. Senator Brandis, the government introduced the Privacy Amendment (Re-identification Offence) Bill 2016 on 12 October 2016. You'll probably recall that it was in response to a high-profile privacy breach by the Department of Health.</p> <p>Senator Brandis: Yes.</p> <p>Senator WATT: And, among other things, that bill would make it a criminal offence to reidentify or deidentify data that's published by government agencies. Is there a reason that bill hasn't been brought back on for debate in the parliament?</p> <p>Senator Brandis: Let me take that on notice. It's a question of, obviously, the sequencing of the government's legislation program.</p>   | 18 August 2017, 21                             |

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|          |                      |                           |                |         |  | <p>The government certainly hasn't decided not to proceed with it. So it's just a sequencing issue. But let me take it on notice and I will see if I can give you any more information.</p> <p>Senator WATT: Thank you.</p>   |  |
| BE17-206 | Attorney-General     | Family Court of Australia | N/A            | Watt    | Cancellation notice of parliamentary inquiry hearing | <p>Senator WATT: At what date and at what time were you given notice of the cancellation of that scheduled hearing of a parliamentary inquiry into a better family law system to support and protect those affected by family violence?</p> <p>Ms Christie: The cancellation was notified to the Chief Justice of the Family Court on the evening before the scheduled hearing.</p> <p>Senator WATT: And who notified the Chief Justice of the Family Court?</p> <p>Ms Christie: My understanding is that it was the chair of the committee.</p> <p>Senator WATT: Was that Ms Henderson?</p> <p>Ms Christie: Yes, that is right.</p> <p>Senator WATT: The member for Corangamite. I think that is her electorate. Was the chief justice given reasons for that cancellation?</p> <p>Ms Christie: My understanding is that the information provided to the chief justice was that the appearance at the committee had been deferred pending advice that was being sought from the Attorney-General in relation to the appropriateness or otherwise of that appearance.</p> <p>Senator WATT: So the chair of the committee, Ms Henderson, advised the Chief Justice of the Family Court that the hearing scheduled for the next day was being deferred or cancelled?</p> <p>Ms Christie: I would have to check. My understanding is it was deferred but can I not be completely sure of that.</p> <p>Senator WATT: And the reason given was that advice was being sought by the chair from the Attorney-General as to what exactly?</p> <p>Ms Christie: The appropriateness of the attendance by the Chief Judge of the Federal Circuit Court and the Chief Justice of the Family Court before the committee.</p> <p>Senator WATT: Senator Brandis, did you or your office have contact with Ms Henderson about the potential appearance of judges at that inquiry?</p> <p>Senator Brandis: I spoke to Ms Henderson.</p> <p>Senator WATT: Did you initiate that discussion?</p> <p>Senator Brandis: No; to the best of my recollection, she did.</p> <p>Senator WATT: Did you express a view to her as to the appropriateness of—</p> <p>Senator Brandis: I don't, as a rule, as a matter of practice, disclose private conversations with colleagues, but I can tell you what my position is. We have this constitutional principle in Australia called the separation of powers. One of the things it means is that</p> | 18 August 2017, 23-24                          |

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|          |                      |   |                |         |   | <p>the courts—the judicial arm of government—are not answerable either to the executive government or to the parliament. That's what the independence of the judiciary means. But because courts are public institutions that spend public money, there is a limit to that principle. For example, in relation to the functioning of the courts as institutions, there is a degree of what I might call administrative and fiscal accountability, which is why Mr Soden, for example, appears before Senate estimates committees, as he is appearing this morning. But it is also the reason why, when courts appear before parliamentary committees, it is their chief executive who does the appearing, not the Chief Justice or the head of jurisdiction. That's the way in which the principle of the separation of powers is respected while ensuring that, in terms of administrative and fiscal accountability, the courts as institutions are appropriately accountable concerning the expenditure of public money. I took the view—and I take the view—that for heads of jurisdiction to be called before a parliamentary committee of this kind and for the purpose for which they were being sought to be called was entirely inappropriate, and I know that that view is shared by the heads of jurisdiction.</p> <p>Senator WATT: As in the chief justices themselves?</p> <p>Senator Brandis: Yes.</p> <p>Senator WATT: Is that your understanding as well, Ms Christie—that the chief justices of the Family Court and the Federal Circuit Court considered it was inappropriate for them to attend that hearing? Ms Christie: I'm not able to answer that question.</p> <p>Senator WATT: Because you don't know the answer?</p> <p>Ms Christie: I've never had a specific discussion with the Chief Justice in relation to that.</p> |  |
| BE17-207 | Attorney-General     | Family Court of Australia<br><br>Federal Circuit Court of Australia | N/A            | Watt    | Cancellation costs incurred   | <p>Senator WATT: Who makes that judgement as to whether something is so politically contentious that a judge shouldn't appear?</p> <p>Senator Brandis: They do. But on this occasion—at least I have a clear recollection of Chief Justice Pascoe—they consulted me.</p> <p>Senator WATT: Ms Christie and Dr Fenwick, assuming travel arrangements had been made for the judges and their staff to attend that hearing, what costs were incurred because of the last-minute cancellation?</p> <p>Ms Christie: I would have to take that on notice. My understanding is that at least one of the staff members was not one who would need to travel because they were a resident here. I am not sure whether the Chief Justice was, in any event, travelling. But I could take that on notice.</p> <p>Dr Fenwick: I would have to do the same.</p>  | 18 August 2017, 25                             |
| BE17-208 | Attorney-General     | Federal Court of Australia  | N/A            | McKim   | Appointment of Executive Director, People, Culture and Communications | <p>Senator McKIM: I want to ask about the appointment in May 2016 of Executive Director, People, Culture and Communications. What is the remuneration for that position, including superannuation? Mr Soden: I would have to take that on notice. I don't have that detail with me here today.</p> <p>Senator McKIM: You don't have the pay scales of everyone in the organisation with you today.</p> <p>Mr Soden: No, there are nearly 1,200 people across the organisation; I don't have that precise detail. I'm happy to take that on notice.</p> <p>Senator McKIM: Do you have the pay scales of the senior people in the organisation?</p> <p>Mr Soden: Not with me, no. I will have to take that on notice.</p>  | 18 August 2017, 27                             |

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|       |                      |                    |                |         |         | <p>Senator McKIM: Thank you. What is that position classified as, and is it classified as a Federal Court manager level 2?</p> <p>Mr Soden: It's an SES position.</p> <p>Senator McKIM: So Federal Court Manager Level 2 is not an SES position; is that your evidence?</p> <p>Mr Soden: Yes, there are SES that are above level 2 positions in the federal structure. A Federal Court level 2 is below SES.</p> <p>Senator McKIM: Notwithstanding the title of that position—Executive Director, People, Culture and Communications—would it be fair to say that that is a human resources position?</p> <p>Mr Soden: It has a HR focus, yes, that's correct.</p> <p>Senator McKIM: Are you able to inform the committee what the remuneration was for the senior HR positions in each organisation prior to the merger?</p> <p>Mr Soden: I could take that on notice but, with a bit of background, the new HR role is for the new entity of 1,200 people compared to the former HR role for an organisation that had about 300 people. So the new HR role is a very large role across a large entity following the merger of the Corporate Services and now the inclusion of the two courts and the NNTT. It's a much larger role.</p> <p>Senator McKIM: I appreciate that, but would you please take on notice and provide the committee with the remuneration of the senior HR positions in the three separate organisations prior to the merger?</p> <p>Mr Soden: I'm happy to do that. The other thing I have been reminded about is that the new role is just not HR; it has libraries across all the courts and communications as part of Corporate Services. So it is a much bigger role.</p> <p>Senator McKIM: I appreciate that. Was that position advertised and, if so, when?</p> <p>Mr Soden: Yes. About four months ago it was advertised. I can certainly take on notice the details of precisely when, and the process was the usual recruitment process in the public sector following that advertising.</p> <p>Senator McKIM: Did you say it was advertised about four months ago?</p> <p>Mr Soden: Yes.</p> <p>Senator McKIM: When was the appointment made?</p> <p>Mr Soden: Shortly thereafter, I would have thought. Those processes aren't quick. It would include a representative of the Public Service Commission on it, being an SES, of course, and I understand it was about one month ago that the formal appointment was actually made.</p> <p>Senator McKIM: Was someone acting in the position before the appointment was made?</p> <p>Mr Soden: Yes, Mr Moy was acting in the position.</p> <p>Senator McKIM: Was he the current—</p> |  |

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|          |                      |                            |                |         |                                    | <p>Mr Soden: The person who was successful in being appointed, yes</p> <p>Senator McKIM: Was that Mr Boyd?</p> <p>Mr Soden: Moy, M-O-Y.</p> <p>Senator McKIM: When was Mr Moy appointed to act in that position?</p> <p>Mr Soden: Again I would have to take that on notice, but it would be in 2016.</p> <p>Senator McKIM: Was Mr Moy inside the organisation, prior to being appointed to—</p> <p>Mr Soden: No, he wasn't.</p> <p>Senator McKIM: Was there any process to select Mr Moy to act in that position?</p> <p>Mr Soden: From memory there was a need to identify a person who had high-level HR, organisational change skills. We engaged Mr Moy quite quickly. I can't remember the details of the actual process. Senator McKIM: Could you take that on notice?</p> <p>Mr Soden: We could take that on notice.</p> <p>Senator McKIM: You can take this on notice if you need to: what was the remuneration for Mr Moy while he was acting in the role, prior to his formal appointment.</p> <p>Mr Soden: I will have to take that on notice.</p>   |  |
| BE17-209 | Attorney-General     | Federal Court of Australia | N/A            | McKim   | Federal Court Enterprise Agreement | <p>Senator McKIM: Court staff haven't had a pay raise since 2013, as I understand it—please correct me if I am wrong. My understanding is that about 90 per cent of Federal Court staff have rejected a proposed enterprise agreement. Could you give the committee an update on current negotiations with staff in relation to the EA?</p> <p>Mr Soden: You are right, Senator, there was a ballot conducted a little while ago. To give a bit of background, that new enterprise bargaining process was not just for the Federal Court, but it was necessary to include the new entity. It was quite a complex process because the enterprise bargain that the Federal Court operated under was different to the one we inherited as part of the merge and so a lot of things had to be combined. And, yes, unfortunately, the proposed agreement was not supported by the staff and so negotiations have recommenced.</p> <p>Senator McKIM: Is the 90 per cent figure I put to you accurate?</p> <p>Mr Soden: I had in the back of my mind 88.</p> <p>Senator McKIM: I shouldn't be facetious. That's fine if it's 88. I'm sure you will correct that on notice if that's not right.</p> <p>Mr Soden: I will.</p> <p>Senator McKIM: So negotiations are under way. Are you able to provide an update as to whether any formal offers have been made as a result of the negotiations?</p> <p>Mr Soden: Not the new negotiations, no.</p> | 18 August 2017, 28                             |

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|          |                      |                                    |                |                 |   | <p>Senator McKIM: When was the previous offer rejected? I'm not after a specific date but—</p> <p>Mr Soden: The end of June.</p> <p>Senator McKIM: It was rejected at the end of June. Are you able to provide any further update on the new round of negotiations?</p> <p>Mr Soden: I know there have been meetings and the usual things have happened. I don't think there's been any delay in starting again, but if you want precise details on all the events that have occurred, I'm happy to take that on notice, rather than look them up and take time.</p>  |  |
| BE17-210 | Attorney-General     | Federal Circuit Court of Australia | N/A            | McKim           | Lismore registry  | <p>Senator McKIM: I want to ask some questions about the Lismore registry. My understanding is that at the moment final hearings at the Lismore registry take place over two years from the filing date, on average, due to the size of the list and the number of matters that are heard each day. Is that correct? Mr Soden: This would be in relation to family law, I suspect, and so I might ask one of my colleagues. Dr Fenwick: The predominant workload in that region would be for the Federal Circuit Court, and I would have to take anything to do with specific locations or specific filings or timings on notice.</p>   | 18 August 2017, 28-29                          |
| BE17-211 | Attorney-General     | Federal Circuit Court of Australia | N/A            | McKim           | Appointment of judge in Tasmania                          | <p>Senator McKIM: Attorney, you appointed a new judge to Tasmania. I'm relying on my memory here but it would be about a year ago, I suspect. You and I discussed this at a previous Senate estimates committee hearing.</p> <p>Senator Brandis: Well, strictly speaking, His Excellency the Governor-General did so.</p> <p>Senator McKIM: Yes, but on your advice. Perhaps this is a matter for the officials supporting you here today, but can you give us an indication of the beneficial impact of that appointment in reducing the length of time it's taken to finalise.</p> <p>Senator Brandis: It was certainly a very well received appointment. I went down to Launceston for the public swearing-in ceremony. It was very well received, particularly by people in northern Tasmania. I'm sure it has had a very beneficial impact for obvious reasons, but I'll take your question on notice and try to give you some statistical information.</p> <p>Senator McKIM: Thanks.</p>  | 18 August 2017, 29                             |
| BE17-212 | Attorney-General     | Federal Circuit Court of Australia | N/A            | Hanson          | Judges' leave   | <p>Senator HANSON: How many judges are on sick leave and what is the average time for those judges being on sick leave?</p> <p>Senator Brandis: I will take that on notice so I can give you precise figures. But you are right when you identify that as being part of the problem, because I know that on the Federal Circuit Court there are several judges who are on sick leave, and the court is not running at 100 per cent capacity for that reason.</p> <p>Senator HANSON: Is there a certain period of time that a judge can be on sick leave? If they're on sick leave for three months or six months, that is putting a lot of pressure on the courts. What is being done about that to alleviate that pressure?</p> <p>Senator Brandis: You are dead right in identifying this as being part of the problem. Obviously, if you have a court running with several of its members not able to sit, that puts more pressure on other parts of the system. As to the specific rules about sick leave arrangements, I think it would be wise for me to take that on notice to make sure the information I give you is accurate.</p> | 18 August 2017, 30                             |
| BE17-213 | Attorney-General     | Federal Circuit Court of Australia | N/A            | Kakoschke-Moore | Number of family consultants appointed in South Australia | <p>Senator KAKOSCHKE-MOORE: Do you have in mind a number for how many family consultants will be employed as a result of this budget measure?</p> <p>Dr Fenwick: The department might be able to assist. I know the budget figure was predicated on an assumption around an ideal number of staff. What we have done is conduct a national assessment of distribution of resources, and we're expecting to be able to</p>   | 18 August 2017, 31-32                          |

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|          |                      |                                    |                |                 |  | <p>implement a plan for recruitment that will meet the resourcing needs across the country.</p> <p>Mr Moraitis: Our estimate, based on the forward estimates, is up to 17 appointments.</p> <p>Senator KAKOSCHKE-MOORE: Up to 7, was that?</p> <p>Mr Moraitis: Seventeen, additional.</p> <p>Senator KAKOSCHKE-MOORE: And the distribution of those 17 family consultants would be determined as a result of this national assessment regarding the distribution?</p> <p>Dr Fenwick: That's correct, yes.</p> <p>Senator KAKOSCHKE-MOORE: When is that assessment due to be completed?</p> <p>Dr Fenwick: We've developed a draft plan, which is under regular consultation with the executive. There'll be a degree of consultation with the judiciary around expectations around the availability of resources and the balancing of existing and new resources.</p> <p>Senator KAKOSCHKE-MOORE: All going well, when do you imagine the first new appointment will be made?</p> <p>Dr Fenwick: I would imagine we'd be able to move relatively soon. We're conducting some further consultations with committees, in fact, next week.</p> <p>Senator KAKOSCHKE-MOORE: Are you able to tell the committee a little about the findings you've discovered so far as a result of this assessment?</p> <p>Dr Fenwick: It wasn't a review or assessment in the sense of—more of a cross-checking of current staff versus filing demands in different registries. It was really a statistical report, if you like, more than a review or evaluation.</p> <p>Senator KAKOSCHKE-MOORE: From that cross-checking, do you have an idea of how many family consultants might be appointed in South Australia?</p> <p>Dr Fenwick: I think I will have to take that on notice. It's still relatively early days in terms of making any decisions at all.</p> |  |
| BE17-214 | Attorney-General     | Federal Circuit Court of Australia | N/A            | Kakoschke-Moore | Number of family consultant complaints | <p>Senator KAKOSCHKE-MOORE: Do you have any information around the number of complaints received around family consultants in the last year or so?</p> <p>Dr Fenwick: We have a category in the annual report, which is 'Dispute resolution', which, as I understand it, relates primarily to Child Dispute Services. I have a figure of 45 complaints in the last financial year.</p> <p>Senator KAKOSCHKE-MOORE: How does that compare to previous financial years?</p> <p>Dr Fenwick: If you'd like a more detailed breakdown, I'll have to provide that.</p> <p>Senator KAKOSCHKE-MOORE: On notice? That would be fantastic. Just remind me, how many family consultants are currently employed in the courts?</p>   | 18 August 2017, 31-32                          |

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|          |                      |  |                |                 |                                    | <p>Dr Fenwick: In the region of 80. We do know, but—</p> <p>Senator KAKOSCHKE-MOORE: Just not right now. Of the complaints that were received, were they 45 complaints about 45 individuals or would it be possible that there could be 45 complaints regarding 20 individuals?</p> <p>Dr Fenwick: I would have to do some work on that. Then we can provide a bit more detail, if you'd like. Senator KAKOSCHKE-MOORE: That would be good.</p>  |  |
| BE17-215 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Kakoschke-Moore | Children's Contact Service         | <p>Senator KAKOSCHKE-MOORE: In the recent budget there was also some money set aside, about \$3.67 million, for Children's Contact Service.</p> <p>Dr Fenwick: I think that's a matter for the portfolio of the department.</p> <p>Senator KAKOSCHKE-MOORE: This money, as I understand it, was—am I able to continue?</p> <p>Senator Brandis: The Children's Contact Service, as I'm advised, are run by the Family Relationship Centres, so we really need the officer of the department with knowledge of the operation of the Family Relationship Centres to address that issue, and they're not here. But we will take that question on notice.</p>   | 18 August 2017, 33                             |
| BE17-216 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Kakoschke-Moore | Family Dispute Resolution Services | <p>Senator KAKOSCHKE-MOORE: There was also some money set aside for the Family Dispute Resolution Services with a focus on vulnerable families. I think there were about eight pilot sites identified in New South Wales, Victoria, Queensland, Western Australia and the Northern Territory. There were none identified in South Australia; why was that?</p> <p>Senator Brandis: I think the department might be in a better position than me to tell you about that, because these allocations were made by the department. I assume that there's an element of identifying the greatest need. Obviously, the larger population centres in a resource-constrained environment will attract the greatest attention.</p> <p>Senator KAKOSCHKE-MOORE: I'm just interested in the process that was gone through in order to identify the eight sites that were eventually chosen. I'd like to know if there was any consideration in South Australia.</p> <p>Senator Brandis: We will take that on notice. What you're asking about is the process by which, and the reasons for which, the particular sites chosen were chosen?</p> <p>Senator KAKOSCHKE-MOORE: Correct. Senator Brandis: We'll take that on notice.</p> <p>Senator KAKOSCHKE-MOORE: And why, if there was consideration of any sites in South Australia, they weren't chosen.</p> <p>Senator Brandis: Potentially, anywhere in Australia could have been chosen, but there was a process. As I say, it's a resource-constrained environment so there are a limited number. There are eight, so we had to identify the eight localities with the greatest demand. I'll take that on notice and we'll give you a more thorough exposition of the process.</p> <p>Senator KAKOSCHKE-MOORE: That would be fantastic. Thank you.</p> | 18 August 2017, 33                             |
| BE17-217 | Attorney-General     | Federal Court of Australia                   | N/A            | Macdonald       | Federal Court's annual report      | <p>CHAIR: Thanks very much for your annual report. It's one of the jobs of this committee to read and oversight the annual reports of all agencies. It's been brought to my attention that the Public Governance, Performance and Accountability Rule lists some mandatory things that must go into the report. Perhaps on notice I could indicate to you that there seem to be several of these mandatory things that are not mentioned in your report. Can anyone comment on that? Are you aware of the Public Governance,</p>   | 18 August 2017, 34                             |

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|       |                      |                    |                |         |         | <p><b>Performance and Accountability Rule?</b></p> <p><b>Mr Soden:</b> Absolutely. I'm surprised to hear that, I must say. Our report has been subject to scrutiny on many occasions over many years. We're actually quite proud of it in terms of its look and feel, what it says and what it says about our report. I'd be a bit disappointed if there were some criteria of a specific kind under the PGPA Act that we've missed. That would only be an inadvertent omission.</p> <p><b>CHAIR:</b> I'm sure of that.</p> <p><b>Senator Brandis:</b> It also has a very attractive cover—</p> <p><b>CHAIR:</b> Yes, it is—</p> <p><b>Senator Brandis:</b> not that aesthetic considerations are part of the PGPA guidelines.</p> <p><b>Mr Soden:</b> That cover is intended to reflect the digital operations of the court, if I may say so.</p> <p><b>Senator Brandis:</b> Is that right?</p> <p><b>Mr Soden:</b> Yes.</p> <p><b>CHAIR:</b> I understand that the rules changed relatively recently—I think probably between the time of the last report and this report.</p> <p><b>Mr Soden:</b> That may well be the case, Senator. I'm not personally aware of those rule changes. We will certainly take that on notice and have a look.</p> <p><b>Senator Brandis:</b> Senator Macdonald, you've obviously looked at this. Could you identify what failures to comply with those guidelines have been identified? I'm sure Mr Soden will be very alert to ensure that any omission is corrected.</p> <p><b>CHAIR:</b> I'm sure of that. The committee was going to comment upon it in its report on the annual reports, but, before doing that, I thought it only appropriate to draw it to your attention. We may be wrong, and I always acknowledge that. I can quickly run through them: 17AD(a), 17AE(1)(b), 17AF(1)(b)—</p> <p><b>Senator Brandis:</b> Can you slow down, please?</p> <p><b>CHAIR:</b> We've scribbled it on this page. I'll get the secretariat to make that available to you.</p> <p><b>Senator Brandis:</b> Thank you.</p> <p><b>CHAIR:</b> It may well be inadvertent or it may be the changing rules, but they are said to be mandatory. <b>Senator Brandis:</b> We will take on notice the question of whether there has been any deficiency of compliance in respect of the guidelines that will be identified to Mr Soden, and, if so, why.</p> <p><b>CHAIR:</b> It's something we are required, as a committee, to report on, which is why, before mentioning it in our report, I thought I might give you the opportunity. As I say, we may well be wrong, but if you could just have a look at that for us. With that, we thank the courts for being with us today and assisting us with our inquiries.</p> |  |

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| BE17-218 | Minister for Justice | Commonwealth Director of Public Prosecutions | N/A            | Kakoschke-Moore | Cybersex trafficking prosecutions       | <p>Senator KAKOSCHKE-MOORE: I want to ask questions about prosecutions for conduct that has become known as cybersex trafficking—where a person in Australia commissions the sexual abuse of a child overseas and watches that abuse happening online. Of the prosecutions that have taken place that would capture that sort of conduct, have all of those prosecutions taken place under sections 272.8 and 272.9 of the Criminal Code?</p> <p>Ms McNaughton: That is a bit too detailed, I am afraid. We would have to take that on notice.</p> <p>Senator KAKOSCHKE-MOORE: Which means you may need to take my other questions on notice, but I will give them a go. I would like to know how many prosecutions in total, say over the last three financial years, have taken place for conduct that could be described as cybersex trafficking? I am fairly certain those prosecutions have taken place under 272.8 and 272.9 of the Criminal Code, but if there were any other charges I would be interested in those statistics as well.</p> <p>Ms McNaughton: Certainly.</p>  | 18 August 2017, 37-38                          |
| BE17-219 | Minister for Justice | Commonwealth Director of Public Prosecutions | N/A            | Kakoschke-Moore | Molasses tobacco and illicit tobacco    | <p>Senator KAKOSCHKE-MOORE: You may need to take my other questions on notice, because they are detailed. I have some questions about prosecutions for the importation of molasses tobacco, which is known as shisha. At the last estimates, I was informed by Australian Border Force that approximately 40 tonnes of molasses tobacco was seized in the 2016-17 financial year. I want to know whether there CDPP has prosecuted matters in relation to the importation of molasses tobacco.</p> <p>Ms McNaughton: We would definitely have to take that on notice.</p> <p>Senator KAKOSCHKE-MOORE: As with my previous questions, could I get a breakdown over, say, the last three years.</p> <p>Ms McNaughton: Certainly.</p> <p>Senator KAKOSCHKE-MOORE: And these ones in relation to the growing of illicit tobacco may too have to go on notice. I understand that contraventions of the Excise Act, which captures the growing of illicit tobacco, can be prosecuted by the CDPP. I want to know how many prosecutions there have been for the growing of illicit tobacco in Australia, how many of those have resulted in a successful conviction and what the average penalty was for any successful prosecutions.</p> <p>Ms McNaughton: Certainly. We will take those on notice.</p> | 18 August 2017, 38                             |
| BE17-220 | Attorney-General     | Office of Constitutional Law                 | 1.1            | Watt            | Citizenship referrals to the High Court | <p>Senator WATT: Has the Governor-General had any contact with you or the Prime Minister about anything to do with the citizenship matters or referrals to the High Court?</p> <p>Senator Brandis: Well, he certainly hasn't had any contact with me. I don't know whether he's had any contact with the Prime Minister, but I don't think so because I've been speaking to the Prime Minister very frequently about these matters and the Prime Minister hasn't mentioned that to me. I'm sure, had he done so, the Prime Minister would have mentioned that to me.</p> <p>Senator WATT: Again, just to be crystal clear, you're not aware that the Governor-General has sought any advice from you or the Solicitor-General regarding a potential proroguing of parliament?</p> <p>Senator Brandis: No.</p> <p>Senator WATT: Or regarding the government's ongoing ability to maintain a majority in the House of Representatives?</p> <p>Senator Brandis: The government has a majority in the House of Representatives, and the answer to your question is no.</p>  | 18 August 2017, 42                             |

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|          |                      |  |                |                 |                           | <p>Senator WATT: You took us through the timeline around Senator Nash in some detail. I think I'm correct in saying that you initially sought advice from the Solicitor-General on Monday night—</p> <p>Senator Brandis: No, that's not what I said.</p> <p>Senator WATT: or you called him.</p> <p>Senator Brandis: I said that I spoke to the Solicitor-General on Monday night to tell him that we would be seeking urgent advice from him, but there were two things that had to be established. One was the facts, and the other was the Solicitor-General wanted expert advice from a suitably qualified English lawyer about UK citizenship law. So we initiated those two lines of inquiry.</p> <p>Senator WATT: In Senator Canavan's case, I think Senator Canavan advised you and the Prime Minister on 24 July that he may be an Italian citizen.</p> <p>Senator Brandis: Yes.</p> <p>Senator WATT: Did you seek the Solicitor-General's advice the same day?</p> <p>Senator Brandis: I'll just have to check that. We announced it in the late afternoon on the 25th. Exactly when I asked the Solicitor-General for his advice, I can't quite remember. It may have been the next morning.</p> <p>Senator WATT: Being the day that you made the announcement?</p> <p>Senator Brandis: It may be. I will have to check that.</p> |  |
| BE17-221 | Attorney-General     | Civil Justice Policy and Programmes Division | 1.4            | Kakoschke-Moore | Family Court duty lawyers | <p>Senator KAKOSCHKE-MOORE: Attorney, I think you referenced this a little earlier about support for families experiencing domestic violence in the context of disputes in the Family Court: can you point to which Family Courts will receive more duty lawyers through this particular program?</p> <p>Senator Brandis: I will take that on notice.</p> <p>Senator KAKOSCHKE-MOORE: If that answer could include a state-by-state breakdown, that would be great.</p> <p>Senator Brandis: Yes.</p>   | 18 August 2017, 33                             |